

IN THE HOUSE OF REPRESENTATIVES

Ordered to be printed with the amendments of the Senate numbered

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

8 TITLE I

9 MILITARY PERSONNEL

10 MILITARY PERSONNEL, ARMY

11 For pay, allowances, individual clothing, interest on
12 deposits, gratuities, permanent change of station travel

1 (including all expenses thereof for organizational move-
 2 ments), and expenses of temporary duty travel between
 3 permanent duty stations, for members of the Army on ac-
 4 tive duty (except members of reserve components provided
 5 for elsewhere), cadets, and aviation cadets; and for pay-
 6 ments pursuant to section 156 of Public Law 97-377, as
 7 amended (42 U.S.C. 402 note), to section 229(b) of the
 8 Social Security Act (42 U.S.C. 429(b)), and to the De-
 9 partment of Defense Military Retirement Fund;
 10 **(1)**~~\$21,571,207,000~~ *\$21,212,285,000.*

11 MILITARY PERSONNEL, NAVY

12 For pay, allowances, individual clothing, interest on
 13 deposits, gratuities, permanent change of station travel
 14 (including all expenses thereof for organizational move-
 15 ments), and expenses of temporary duty travel between
 16 permanent duty stations, for members of the Navy on ac-
 17 tive duty (except members of the Reserve provided for
 18 elsewhere), midshipmen, and aviation cadets; and for pay-
 19 ments pursuant to section 156 of Public Law 97-377, as
 20 amended (42 U.S.C. 402 note), to section 229(b) of the
 21 Social Security Act (42 U.S.C. 429(b)), and to the De-
 22 partment of Defense Military Retirement Fund;
 23 **(2)**~~\$18,633,383,000~~ *\$18,156,982,000.*

1 MILITARY PERSONNEL, MARINE CORPS

2 For pay, allowances, individual clothing, interest on
3 deposits, gratuities, permanent change of station travel
4 (including all expenses thereof for organizational move-
5 ments), and expenses of temporary duty travel between
6 permanent duty stations, for members of the Marine
7 Corps on active duty (except members of the Reserve pro-
8 vided for elsewhere); and for payments pursuant to section
9 156 of Public Law 97-377, as amended (42 U.S.C. 402
10 note), to section 229(b) of the Social Security Act (42
11 U.S.C. 429(b)), and to the Department of Defense Mili-
12 tary Retirement Fund; ~~(3)\$5,763,117,000~~
13 *\$5,755,272,000.*

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, interest on
16 deposits, gratuities, permanent change of station travel
17 (including all expenses thereof for organizational move-
18 ments), and expenses of temporary duty travel between
19 permanent duty stations, for members of the Air Force
20 on active duty (except members of reserve components
21 provided for elsewhere), cadets, and aviation cadets; and
22 for payments pursuant to section 156 of Public Law 97-
23 377, as amended (42 U.S.C. 402 note), to section 229(b)
24 of the Social Security Act (42 U.S.C. 429(b)), and to the

1 Department of Defense Military Retirement Fund;
2 ~~(4)\$15,916,937,000~~ *\$15,662,809,000*.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 265, 3021, and 3038
7 of title 10, United States Code, or while serving on active
8 duty under section 672(d) of title 10, United States Code,
9 in connection with performing duty specified in section
10 678(a) of title 10, United States Code, or while under-
11 going reserve training, or while performing drills or equiv-
12 alent duty or other duty, and for members of the Reserve
13 Officers' Training Corps, and expenses authorized by sec-
14 tion 2131 of title 10, United States Code, as authorized
15 by law; and for payments to the Department of Defense
16 Military Retirement Fund; ~~(5)\$2,143,272,000~~
17 *\$2,138,416,000*.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 265 of title 10, United
22 States Code, or while serving on active duty under section
23 672(d) of title 10, United States Code, in connection with
24 performing duty specified in section 678(a) of title 10,
25 United States Code, or while undergoing reserve training,

1 or while performing drills or equivalent duty, and for
 2 members of the Reserve Officers' Training Corps, and ex-
 3 penses authorized by section 2131 of title 10, United
 4 States Code, as authorized by law; and for payments to
 5 the Department of Defense Military Retirement Fund;
 6 ~~6~~ ~~\$1,565,838,000~~ *\$1,550,989,000*.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
 9 travel, and related expenses for personnel of the Marine
 10 Corps Reserve on active duty under section 265 of title
 11 10, United States Code, or while serving on active duty
 12 under section 672(d) of title 10, United States Code, in
 13 connection with performing duty specified in section
 14 678(a) of title 10, United States Code, or while under-
 15 going reserve training, or while performing drills or equiv-
 16 alent duty, and for members of the Marine Corps platoon
 17 leaders class, and expenses authorized by section 2131 of
 18 title 10, United States Code, as authorized by law; and
 19 for payments to the Department of Defense Military Re-
 20 tirement Fund; ~~7~~ ~~\$350,490,000~~ *\$311,661,000*.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
 23 travel, and related expenses for personnel of the Air Force
 24 Reserve on active duty under sections 265, 8021, and
 25 8038 of title 10, United States Code, or while serving on

1 active duty under section 672(d) of title 10, United States
 2 Code, in connection with performing duty specified in sec-
 3 tion 678(a) of title 10, United States Code, or while un-
 4 dergoing reserve training, or while performing drills or
 5 equivalent duty or other duty, and for members of the Air
 6 Reserve Officers' Training Corps, and expenses authorized
 7 by section 2131 of title 10, United States Code, as author-
 8 ized by law; and for payments to the Department of De-
 9 fense Military Retirement Fund; ~~(8)\$783,158,000~~
 10 *\$778,919,000.*

11 NATIONAL GUARD PERSONNEL, ARMY

12 For pay, allowances, clothing, subsistence, gratuities,
 13 travel, and related expenses for personnel of the Army Na-
 14 tional Guard while on duty under section 265, 3021, or
 15 3496 of title 10 or section 708 of title 32, United States
 16 Code, or while serving on duty under section 672(d) of
 17 title 10 or section 502(f) of title 32, United States Code,
 18 in connection with performing duty specified in section
 19 678(a) of title 10, United States Code, or while under-
 20 going training, or while performing drills or equivalent
 21 duty or other duty, and expenses authorized by section
 22 2131 of title 10, United States Code, as authorized by
 23 law; and for payments to the Department of Defense Mili-
 24 tary Retirement Fund; ~~(9)\$3,334,183,000~~
 25 *\$3,332,556,000.*

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
 3 travel, and related expenses for personnel of the Air Na-
 4 tional Guard on duty under section 265, 8021, or 8496
 5 of title 10 or section 708 of title 32, United States Code,
 6 or while serving on duty under section 672(d) of title 10
 7 or section 502(f) of title 32, United States Code, in con-
 8 nection with performing duty specified in section 678(a)
 9 of title 10, United States Code, or while undergoing train-
 10 ing, or while performing drills or equivalent duty or other
 11 duty, and expenses authorized by section 2131 of title 10,
 12 United States Code, as authorized by law; and for pay-
 13 ments to the Department of Defense Military Retirement
 14 Fund; ~~(10)\$1,215,935,000~~ *\$1,230,471,000*.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
 20 for the operation and maintenance of the Army, as author-
 21 ized by law; and not to exceed \$14,437,000 can be used
 22 for emergencies and extraordinary expenses, to be ex-
 23 pended on the approval or authority of the Secretary of
 24 the Army, and payments may be made on his certificate
 25 of necessity for confidential military purposes;

1 ~~(11)\$15,221,091,000~~ \$15,706,229,000 and, in addition,
 2 ~~(12)\$880,200,000, to be derived by transfer from the De-~~
 3 ~~fense Business Operations Fund and~~ \$150,000,000 shall
 4 be derived by transfer from the National Defense Stock-
 5 pile Transaction Fund: *Provided*, That \$450,000 shall be
 6 made available only for the 1994 Memorial Day Celebra-
 7 tion and \$450,000 shall be made available only for the
 8 1994 Capitol Fourth Project~~(13)~~: *Provided further*, That
 9 of the funds appropriated in this paragraph, not less than
 10 \$6,500,000 shall be made available only for the Army Envi-
 11 ronmental Policy Institute, of which \$2,000,000 shall be
 12 made available only for a study on the effects of depleted
 13 uranium on the environment: *Provided further*, That of the
 14 funds appropriated in this paragraph, \$500,000 shall be
 15 available only for a study of the effects of uranium milling,
 16 including exposure to radon chemicals and uranium, on the
 17 health of those individuals employed in uranium mills in
 18 the southwestern United States during the period beginning
 19 on January 1, 1947 and ending on December 31, 1971: *Pro-*
 20 *vided further*, That the Senate finds that—

21 (1) the United States entered into Operation Re-
 22 store Hope in December of 1992 for the purpose of re-
 23 lieving mass starvation in Somalia;

24 (2) the original humanitarian relief mission in
 25 Somalia had the unanimous support of the Senate,

1 *expressed in Senate Joint Resolution 45, passed on*
2 *February 4, 1993;*

3 *(3) the original humanitarian mission was being*
4 *successfully accomplished by United States forces,*
5 *working with forces of other nations, and an ex-*
6 *panded mission was assumed by the United Nations*
7 *on May 4, 1993 pursuant to United Nations Resolu-*
8 *tion 814, of March 26, 1993;*

9 *(4) neither the expanded United Nations mission*
10 *of national reconciliation, nor the broad mission of*
11 *disarming the clans, nor any other mission not essen-*
12 *tial to the performance of the humanitarian mission*
13 *has been endorsed or approved by the Senate;*

14 *(5) the expanded mission of the United Nations*
15 *was, subsequent to an attack upon United Nations*
16 *forces, diverted into a mission aimed primarily at*
17 *capturing certain persons, pursuant to United Na-*
18 *tions Security Council Resolution 837, of June 6,*
19 *1993;*

20 *(6) the actions of hostile elements in Mogadishu,*
21 *and the United Nations mission to subdue those ele-*
22 *ments, have resulted in open conflict in the city of*
23 *Mogadishu and the deaths of 29 Americans, at least*
24 *159 wounded, and the capture of American personnel;*
25 *and*

1 (7) during fiscal years 1992 and 1993, the
2 United States incurred expenses in excess of
3 \$1,100,000,000 to support operations in Somalia:

4 *Provided further, That the Senate approves the use of*
5 *United States Armed Forces in Somalia for the following*
6 *purposes—*

7 (i) *The protection of United States personnel*
8 *and bases; and*

9 (ii) *The provision of assistance in securing open*
10 *lines of communication for the free flow of supplies*
11 *and relief operations through the provision of—*

12 (I) *United States military logistical sup-*
13 *port services to United Nations forces; and*

14 (II) *United States combat forces in a secu-*
15 *rity role and as an interim force protection sup-*
16 *plement to United Nations units:*

17 *Provided further, That funds appropriated, or otherwise*
18 *made available, in this or any other Act to the Department*
19 *of Defense may be obligated for expenses incurred only*
20 *through March 31, 1994 for the operations of United States*
21 *Armed Forces in Somalia: Provided further, That such date*
22 *may be extended if so requested by the President and au-*
23 *thorized by the Congress: Provided further, That funds may*
24 *be obligated beyond March 31, 1994 to support a limited*
25 *number of United States military personnel sufficient only*

1 *to protect American diplomatic facilities and American*
2 *citizens, and noncombat personnel to advise the United Na-*
3 *tions commander in Somalia: Provided further, That*
4 *United States combat forces in Somalia shall be under the*
5 *command and control of United States commanders under*
6 *the ultimate direction of the President of the United States:*
7 *Provided further, That the President should intensify efforts*
8 *to have United Nations member countries immediately de-*
9 *ploy additional troops to Somalia to fulfill previous force*
10 *commitments made to the United Nations and to deploy*
11 *additional forces to assume the security missions of United*
12 *States Armed Forces: Provided further, That—*

13 (A) *captured United States personnel in Soma-*
14 *lia should be treated humanely and fairly; and*

15 (B) *the United States and the United Nations*
16 *should make all appropriate efforts to ensure the im-*
17 *mediate and safe return of any future captured*
18 *United States personnel:*

19 *Provided further, That the President should ensure that, at*
20 *all times, United States military personnel in Somalia have*
21 *the capacity to defend themselves, and American citizens:*
22 *Provided further, That the United States Armed Forces*
23 *should remain deployed in or around Somalia until such*
24 *time as all American service personnel missing in action*

1 *in Somalia are accounted for, and all American service per-*
 2 *sonnel held prisoner in Somalia are released*

3 OPERATION AND MAINTENANCE, NAVY

4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary
 6 for the operation and maintenance of the Navy and the
 7 Marine Corps, as authorized by law; and not to exceed
 8 \$4,667,000 can be used for emergencies and extraordinary
 9 expenses, to be expended on the approval or authority of
 10 the Secretary of the Navy, and payments may be made
 11 on his certificate of necessity for confidential military pur-
 12 poses; ~~(14)\$18,097,782,000~~ \$19,845,083,000 and, in
 13 ~~(15)addition \$1,092,700,000, to be derived by transfer~~
 14 ~~from the Defense Business Operations Fund and addition,~~
 15 \$150,000,000 shall be derived by transfer from the Na-
 16 tional Defense Stockpile Transaction Fund~~(16):—Pro-~~
 17 ~~vided;~~ That \$350,000 shall be available only to connect
 18 residences located in the vicinity of the Naval Air Warfare
 19 Center, Warminster, to the Warminster municipal water
 20 supply system.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 ~~(17)~~(INCLUDING TRANSFER OF FUNDS)

23 For expenses, not otherwise provided for, necessary
 24 for the operation and maintenance of the Marine Corps,
 25 as authorized by law; ~~(18)\$1,773,889,000 and, in addi-~~

tion, \$121,000,000, to be derived by transfer from the Defense Business Operations Fund \$1,834,495,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; ~~(19)\$18,305,447,000~~ \$19,107,389,000 and, in addition, ~~(20)\$941,400,000~~, to be derived by transfer from the Defense Business Operations Fund and \$200,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund ~~(21):~~ *Provided, That* \$15,500,000 shall only be used to operate, maintain and enhance the Tactical Interim CAMS and REMIS Reporting System ~~(TICARRS-92):~~ *Provided further, That* TICARRS-92 be reestablished, with direct maintenance data input, as the supporting system for at least one wing each of F-15, F-16, and F-117A aircraft by no later than February 1, 1994: *Provided further, That* TICARRS-92 be reestablished, with direct maintenance data input, as the supporting system for all F-15, F-16, and F-117A aircraft by

1 no later than April 1, 1994: *Provided further*, That none
 2 of the funds appropriated or otherwise made available
 3 under this Act shall be used to operate, maintain or other-
 4 wise support an automated maintenance management sys-
 5 tem for F-15, F-16, and F-117A aircraft other than
 6 TICARRS-92 after April 1, 1994: *Provided further*, That
 7 of the funds appropriated under this heading, not more
 8 than \$9,538,000 shall be available only for a grant to the
 9 Women in Military Service For America Memorial Foun-
 10 dation, Inc., to be used solely to perform the repair, res-
 11 toration, and preservation of the main gate structures,
 12 center plaza, and Homicycle of the Arlington National
 13 Cemetery. These funds shall be made available solely for
 14 project costs and none of the funds are for remuneration
 15 of any entity or individual associated with fund raising
 16 for the project: *Provided further*, That of the funds appro-
 17 priated under this heading, \$5,000,000 shall be made
 18 available only for continued environmental restoration of
 19 the former Olmsted Air Force Base, Pennsylvania.

20 OPERATION AND MAINTENANCE, DEFENSE-WIDE

21 For expenses, not otherwise provided for, necessary
 22 for the operation and maintenance of activities and agen-
 23 cies of the Department of Defense (other than the military
 24 departments), as authorized by law; ~~(22)~~ \$9,487,133,000
 25 \$9,452,165,000, of which not to exceed \$25,000,000 may

1 be available for the CINC initiative fund account; and of
2 which not to exceed \$19,422,000 can be used for emer-
3 gencies and extraordinary expenses, to be expended on the
4 approval or authority of the Secretary of Defense, and
5 payments may be made on his certificate of necessity for
6 confidential military purposes(23):~~Provided, That of the~~
7 ~~funds appropriated by this paragraph, \$996,001,000 shall~~
8 ~~be made available only for the Special Operations Com-~~
9 ~~mand: Provided further, That, of the funds appropriated~~
10 ~~in this paragraph \$10,000,000 shall be available for activi-~~
11 ~~ties to support the clearing of landmines for humanitarian~~
12 ~~purposes: Provided further, That of the funds appropriated~~
13 ~~in this paragraph, \$427,705,000 shall not be obligated or~~
14 ~~expended until authorized by law: Provided, That of the~~
15 ~~funds appropriated under this heading, \$58,000,000 shall~~
16 ~~be made available only for aiding school districts in accord-~~
17 ~~ance with authority granted under sections 3(a) through~~
18 ~~3(e) of Public Law 81-874: Provided further, That of the~~
19 ~~funds appropriated in this paragraph, not less than~~
20 ~~\$50,000,000 shall be made available only for the Legacy Re-~~
21 ~~source Management Program, of which not less than~~
22 ~~\$200,000 shall be made available for the Legacy Resource~~
23 ~~Management Program fellowships: Provided further, That~~
24 ~~of the funds appropriated under this heading, \$10,000,000~~
25 ~~shall be made available only for the repair and mainte-~~

1 nance of federally owned education facilities located on
2 military installations(24): Provided further, That of the
3 funds appropriated under this heading, \$1,000,000 shall be
4 made available only for use by the Office of the Secretary
5 of Defense for the exploitation of captured Iraqi Govern-
6 ment documents relating to the Kurds and other minorities
7 of northern Iraq: Provided further, That the funds in the
8 preceding proviso may be made available for personal serv-
9 ice contracts of Arabic-language linguists and may be ex-
10 empt from competitive bidding requirements: Provided fur-
11 ther, That of the funds appropriated under this heading,
12 \$1,000,000 shall be made available only for the Defense
13 Mapping Agency to evaluate and procure available imagery
14 photographs and materials from successor states of the
15 former Soviet Union: Provided further, That the Director
16 of the Defense Mapping Agency shall report to the Congres-
17 sional Defense Committees the availability of such imagery
18 materials, priorities for acquisition and the process for the
19 dissemination of such materials to Federal agencies, State
20 and local authorities, academic institutions and the private
21 sector not later than March 15, 1994.

22 OPERATION AND MAINTENANCE, ARMY RESERVE

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance, including training, or-
25 ganization, and administration, of the Army Reserve; re-

1 pair of facilities and equipment; hire of passenger motor
 2 vehicles; travel and transportation; care of the dead;
 3 recruiting; procurement of services, supplies, and
 4 equipment; and communications; ~~(25)\$1,115,095,000:~~
 5 *Provided, That of the funds appropriated in this para-*
 6 *graph, \$19,505,000 shall not be obligated or expended*
 7 *until authorized by law \$1,057,740,000.*

8 OPERATION AND MAINTENANCE, NAVY RESERVE

9 For expenses, not otherwise provided for, necessary
 10 for the operation and maintenance, including training, or-
 11 ganization, and administration, of the Navy Reserve; re-
 12 pair of facilities and equipment; hire of passenger motor
 13 vehicles; travel and transportation; care of the dead; re-
 14 cruiting; procurement of services, supplies, and equip-
 15 ment; and communications; ~~(26)\$807,200,000~~
 16 *\$761,137,000 (27):* *Provided, That operational control of*
 17 *the Naval Reserve Personnel Center, including its func-*
 18 *tions and responsibilities, shall be under the command and*
 19 *control of the Commander, Naval Reserve Command(28):*
 20 *Provided further, That of the funds appropriated in this*
 21 *paragraph, \$31,400,000 shall not be obligated or ex-*
 22 *pended until authorized by law.*

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications; ~~(29)\$86,855,000: *Provided,*~~
10 ~~That of the funds appropriated in this paragraph,~~
11 ~~\$11,805,000 shall not be obligated or expended until au-~~
12 ~~thorized by law \$75,125,000.~~

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Air Force Reserve;
17 repair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications; ~~(30)\$1,370,222,000: *Pro-*~~
21 ~~*vided,* That of the funds appropriated in this paragraph,~~
22 ~~\$15,644,000 shall not be obligated or expended until au-~~
23 ~~thorized by law \$1,333,470,000.~~

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1 *ing, \$3,000,000 shall be made available only for the*
 2 *MEDRETES program.*

3 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

4 For operation and maintenance of the Air National
 5 Guard, including medical and hospital treatment and re-
 6 lated expenses in non-Federal hospitals; maintenance, op-
 7 eration, repair, and other necessary expenses of facilities
 8 for the training and administration of the Air National
 9 Guard, including repair of facilities, maintenance, oper-
 10 ation, and modification of aircraft; transportation of
 11 things; hire of passenger motor vehicles; supplies, mate-
 12 rials, and equipment, as authorized by law for the Air Na-
 13 tional Guard; and expenses incident to the maintenance
 14 and use of supplies, materials, and equipment, including
 15 such as may be furnished from stocks under the control
 16 of agencies of the Department of Defense; travel expenses
 17 (other than mileage) on the same basis as authorized by
 18 law for Air National Guard personnel on active Federal
 19 duty, for Air National Guard commanders while inspect-
 20 ing units in compliance with National Guard Bureau reg-
 21 ulations when specifically authorized by the Chief, Na-
 22 tional Guard Bureau; ~~(33)\$2,695,233,000~~
 23 ~~\$2,686,299,000(34):~~ *Provided, That of the funds appro-*
 24 *priated under this paragraph, \$3,000,000 shall be made*
 25 *available only for the operation of Air National Guard C-*

1 130H operational support aircraft of the 159th Air Na-
2 tional Guard Fighter Group and the 169th Air National
3 Guard Fighter Group(35): *Provided further*, That of the
4 funds appropriated in this paragraph, \$30,000,000 shall
5 not be obligated or expended until authorized by law.

6 NATIONAL BOARD FOR THE PROMOTION OF RIFLE
7 PRACTICE, ARMY

8 For the necessary expenses and personnel services
9 (other than pay and non-travel-related allowances of mem-
10 bers of the Armed Forces of the United States, except for
11 members of the reserve components thereof called or or-
12 dered to active duty to provide support for the national
13 matches) in accordance with law, for operation and main-
14 tenance of rifle ranges; the instruction of citizens in
15 marksmanship; the promotion of rifle practice; the conduct
16 of the national matches; the sale of ammunition under the
17 authority of title 10, United States Code, sections 4308
18 and 4311; the travel of rifle teams, military personnel, and
19 individuals attending regional, national, and international
20 competitions; and the payment to competitors at national
21 matches under section 4312 of title 10, United States
22 Code, of subsistence and travel allowances under section
23 4313 of title 10, United States Code; not to exceed
24 \$2,483,000.

1 COURT OF MILITARY APPEALS, DEFENSE

2 For salaries and expenses necessary for the United
 3 States Court of Military Appeals; ~~(36)\$5,855,000~~
 4 \$6,055,000, of which not to exceed \$2,500 can be used for
 5 official representation purposes~~(37):~~~~Provided, That of~~
 6 the funds appropriated in this paragraph, \$245,000 shall
 7 not be obligated or expended until authorized by law.

8 ENVIRONMENTAL RESTORATION, DEFENSE

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of Defense;
 11 ~~(38)\$1,716,800,000~~ \$2,207,800,000, to remain available
 12 until transferred: *Provided, That* the Secretary of Defense
 13 shall, upon determining that such funds are required for
 14 environmental restoration, reduction and recycling of haz-
 15 ardous waste, ~~(39)research and development associated~~
 16 with hazardous wastes and removal of unsafe buildings
 17 and debris of the Department of Defense, or for similar
 18 purposes (including programs and operations at sites for-
 19 merly used by the Department of Defense), transfer the
 20 funds made available by this appropriation to other appro-
 21 priations made available to the Department of Defense as
 22 the Secretary may designate, to be merged with and to
 23 be available for the same purposes and for the same time
 24 period as the appropriations of funds to which transferred:
 25 *Provided further, That* upon a determination that all or

1 part of the funds transferred from this appropriation are
2 not necessary for the purposes provided herein, such
3 amounts may be transferred back to this appropriation:
4 *Provided further*, That of the funds provided under this
5 heading, not less than \$200,000,000 shall be available
6 only for the expedited cleanup of environmentally contami-
7 nated sites and only in accordance with a comprehensive
8 plan submitted to Congress by the Secretary of Defense.

9 ~~(40)~~SUPPORT FOR INTERNATIONAL SPORTING

10 COMPETITIONS, DEFENSE

11 ~~(INCLUDING TRANSFER OF FUNDS)~~

12 For expenses of logistical support ~~(including security~~
13 ~~planning and services)~~ and personnel services provided by
14 the Department of Defense for the World University
15 Games, the 1996 Games of the XXVI Olympiad, and the
16 World Cup USA Organizing Committee, ~~(other than pay~~
17 ~~and nontravel related allowances of members of the Armed~~
18 ~~Forces of the United States, except for members of the~~
19 ~~Reserve components thereof called or ordered to active~~
20 ~~duty to provide support for such international sporting~~
21 ~~competitions)~~, as authorized by law, provided by any com-
22 ponent of the Department of Defense to such sporting
23 competitions, \$6,000,000, of which not less than
24 \$2,000,000 shall be available only for the 1996 Games of
25 the XXVI Olympiad, to remain available until expended:

1 ~~Provided, That unobligated balances of funds appropriated~~
2 ~~in the Department of Defense Appropriations Act, 1992~~
3 ~~(Public Law 102-172) under the headings “World Univer-~~
4 ~~sity Games” and “Summer Olympics” and unobligated~~
5 ~~balances of the funds appropriated in the Department of~~
6 ~~Defense Appropriations Act, 1993, (Public Law 102-396)~~
7 ~~under the headings “World University Games” and “Sum-~~
8 ~~mer Olympics” and “World Cup USA 1994” in title II~~
9 ~~of that Act shall, notwithstanding section 8003 of Public~~
10 ~~Law 102-172 and section 9003 of Public Law 102-396,~~
11 ~~upon the enactment of this Act, be transferred to this ap-~~
12 ~~propriation, to be merged with and to be available for the~~
13 ~~same purposes, and for the same time period, as this ap-~~
14 ~~propriation: *Provided further, That the funds so trans-*~~
15 ~~ferred from such Acts under the headings “Summer Olym-~~
16 ~~pics” shall be available only for expenses for, or incurred~~
17 ~~in anticipation of, the support provided, or to be provided,~~
18 ~~to the 1996 Games of the XXVI Olympiad: *Provided fur-*~~
19 ~~ther, That funds appropriated in this paragraph shall not~~
20 ~~be obligated or expended until authorized by law.~~

21 *SUMMER OLYMPICS*

22 *For logistical support and personnel services (other*
23 *than pay and nontravel related allowances of members of*
24 *the Armed Forces of the United States, except for members*
25 *of the reserve components thereof called or ordered to active*

1 *duty to provide support for the 1996 Games of the XXVI*
 2 *Olympiad to be held in Atlanta, Georgia) provided by any*
 3 *component of the Department of Defense to the 1996 Games*
 4 *of the XXVI Olympiad; \$2,000,000.*

5 *WORLD CUP USA 1994*

6 *For logistical support and personnel services (other*
 7 *than pay and nontravel related allowances of members of*
 8 *the Armed Forces of the United States, except for members*
 9 *of the reserve components thereof called or ordered to active*
 10 *duty to provide support for the World Cup USA 1994 Orga-*
 11 *nizing Committee) provided by any component of the De-*
 12 *partment of Defense to the World Cup USA 1994 Organiz-*
 13 *ing Committee; \$12,000,000.*

14 *HUMANITARIAN ASSISTANCE*

15 *For transportation for humanitarian relief for the*
 16 *people of Afghanistan(41), the Kurdish population and*
 17 *other minorities of northern Iraq, and (42)the people of*
 18 *sub-Saharan Africa, acquisition and shipment of transpor-*
 19 *tation assets to assist in the distribution of such relief,*
 20 *and for transportation and distribution of humanitarian*
 21 *relief supplies, and excess non-lethal property;*
 22 *(43)\$15,000,000 \$48,000,000, to remain available for ob-*
 23 *ligation until September 30, 1995(44):—Provided, That of*
 24 *the funds appropriated in this paragraph, \$15,000,000*
 25 *shall not be obligated or expended until authorized by law:*

1 *Provided, That of the funds appropriated under this head-*
 2 *ing, \$30,000,000 shall be made available only for Kurdish*
 3 *relief activities, of which \$15,000,000 shall be made avail-*
 4 *able for a 1993–1994 winterization relief program: Pro-*
 5 *vided further, That of the funds appropriated under this*
 6 *heading, \$10,000,000 shall be made available for activities*
 7 *to support clearing of land mines for humanitarian pur-*
 8 *poses.*

9 FORMER SOVIET UNION THREAT REDUCTION

10 For assistance to the republics of the former Soviet
 11 Union, including assistance provided by contract or by
 12 grants, for facilitating the elimination and the safe and
 13 secure transportation and storage of nuclear, chemical and
 14 other weapons; for providing incentives for demilitariza-
 15 tion; for establishing programs to prevent the proliferation
 16 of weapons, weapons components, and weapons-related
 17 technology and expertise; for expansion of military-to-mili-
 18 tary contacts; for supporting the conversion of military
 19 technologies and capabilities into civilian activities; and for
 20 retraining military personnel of the former Soviet Union;
 21 \$400,000,000, to remain available until expended(45):

22 *Provided, That of the funds appropriated under this head-*
 23 *ing, \$10,000,000 shall be made available only for the con-*
 24 *tinuing study, assessment, and identification of nuclear*
 25 *waste disposal by the former Soviet Union in the Arctic*

1 *region: Provided further, That the transfer authority pro-*
2 *vided in section 9110(a) of the Department of Defense Ap-*
3 *propriations Act, 1993, shall continue to be in effect during*
4 *fiscal year 1994: Provided further, That any transfer made*
5 *under the foregoing proviso in this paragraph shall be sub-*
6 *ject to the limitations and the reporting requirements stipu-*
7 *lated in section 8006 of this Act(46): Provided further,*
8 *That the Director of Central Intelligence shall report to the*
9 *President and the Congressional defense and intelligence*
10 *committees on the current status of intercontinental ballis-*
11 *tic missile development and production in states eligible for*
12 *assistance under this heading: Provided further, That none*
13 *of the funds appropriated under this heading may be ex-*
14 *pended or transferred to an otherwise eligible recipient state*
15 *if the President concludes, and notifies the Congressional*
16 *defense and intelligence committees in a written report, that*
17 *the potential recipient is currently engaged in the produc-*
18 *tion of a new road mobile or fixed-site land based inter-*
19 *continental ballistic missile armed with multiple nuclear*
20 *re-entry vehicles.*

21 TITLE III

22 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

24 For construction, procurement, production, modifica-
25 tion, and modernization of aircraft, equipment, including

1 ordnance, ground handling equipment, spare parts, and
 2 accessories therefor; specialized equipment and training
 3 devices; expansion of public and private plants, including
 4 the land necessary therefor, for the foregoing purposes,
 5 and such lands and interest therein, may be acquired, and
 6 construction prosecuted thereon prior to approval of title;
 7 and procurement and installation of equipment, appli-
 8 ances, and machine tools in public and private plants; re-
 9 serve plant and Government and contractor-owned equip-
 10 ment layaway; and other expenses necessary for the fore-
 11 going purposes; ~~(47)\$1,726,164,000~~ \$1,125,303,000, to
 12 remain available for obligation until September 30,
 13 1996~~(48):~~*Provided*, That of the funds appropriated in
 14 this paragraph, \$219,627,000 shall not be obligated or ex-
 15 pended until authorized by law.

16 MISSILE PROCUREMENT, ARMY

17 For construction, procurement, production, modifica-
 18 tion, and modernization of missiles, equipment, including
 19 ordnance, ground handling equipment, spare parts, and
 20 accessories therefor; specialized equipment and training
 21 devices; expansion of public and private plants, including
 22 the land necessary therefor, for the foregoing purposes,
 23 and such lands and interests therein, may be acquired,
 24 and construction prosecuted thereon prior to approval of
 25 title; and procurement and installation of equipment, ap-

11 For construction, procurement, production, and
12 modification of weapons and tracked combat vehicles,
13 equipment, including ordnance, spare parts, and acces-
14 sories therefor; specialized equipment and training devices;
15 expansion of public and private plants, including the land
16 necessary therefor, for the foregoing purposes, and such
17 lands and interests therein, may be acquired, and con-
18 struction prosecuted thereon prior to approval of title; and
19 procurement and installation of equipment, appliances,
20 and machine tools in public and private plants; reserve
21 plant and Government and contractor-owned equipment
22 layaway; and other expenses necessary for the foregoing
23 purposes; ~~(51)\$892,709,000~~ \$805,074,000, to remain
24 available for obligation until September 30, 1996(52):-
25 *Provided*, That of the funds appropriated in this para-

1 graph, \$15,712,000 shall not be obligated or expended
 2 until authorized by law.

3 PROCUREMENT OF AMMUNITION, ARMY

4 ~~(53)~~(INCLUDING TRANSFER OF FUNDS)

5 For construction, procurement, production, and
 6 modification of ammunition, and accessories therefor; spe-
 7 cialized equipment and training devices; expansion of pub-
 8 lic and private plants, including ammunition facilities au-
 9 thorized by section 2854, title 10, United States Code, and
 10 the land necessary therefor, for the foregoing purposes,
 11 and such lands and interests therein, may be acquired,
 12 and construction prosecuted thereon prior to approval of
 13 title; and procurement and installation of equipment, ap-
 14 pliances, and machine tools in public and private plants;
 15 reserve plant and Government and contractor-owned
 16 equipment layaway; and other expenses necessary for the
 17 foregoing purposes; ~~(54)~~\$620,787,000 \$610,174,000,
 18 ~~(55)~~and, in addition, \$100,000,000, to be derived by
 19 transfer from the Conventional Ammunition Working
 20 Capital Fund of the Department of Defense, to remain
 21 available for obligation until September 30, 1996.

22 OTHER PROCUREMENT, ARMY

23 For construction, procurement, production, and
 24 modification of vehicles, including tactical, support, and
 25 nontracked combat vehicles; the purchase of not to exceed

1 16 passenger motor vehicles for replacement only; commu-
 2 nications and electronic equipment; other support equip-
 3 ment; spare parts, ordnance, and accessories therefor; spe-
 4 cialized equipment and training devices; expansion of pub-
 5 lic and private plants, including the land necessary there-
 6 for, for the foregoing purposes, and such lands and inter-
 7 ests therein, may be acquired, and construction prosecuted
 8 thereon prior to approval of title; and procurement and
 9 installation of equipment, appliances, and machine tools
 10 in public and private plants; reserve plant and Govern-
 11 ment and contractor-owned equipment layaway; and other
 12 expenses necessary for the foregoing purposes;
 13 ~~(56)\$2,904,933,000~~ \$2,784,474,000, to remain available
 14 for obligation until September 30, 1996(57): *Provided*
 15 *further, That of the funds appropriated under this heading,*
 16 *\$18,000,000 shall be available only for Heavy Armor Modi-*
 17 *fication for the High-Mobility multipurpose wheeled vehicle.*

18 AIRCRAFT PROCUREMENT, NAVY

19 For construction, procurement, production, modifica-
 20 tion, and modernization of aircraft, equipment, including
 21 ordnance, spare parts, and accessories therefor; specialized
 22 equipment; expansion of public and private plants, includ-
 23 ing the land necessary therefor, and such lands and inter-
 24 ests therein, may be acquired, and construction prosecuted
 25 thereon prior to approval of title; and procurement and

1 installation of equipment, appliances, and machine tools
 2 in public and private plants; reserve plant and Govern-
 3 ment and contractor-owned equipment layaway;
 4 ~~(58)\$5,664,216,000~~ *\$5,665,615,000*, to remain available
 5 for obligation until September 30, 1996.

6 WEAPONS PROCUREMENT, NAVY

7 For construction, procurement, production, modifica-
 8 tion, and modernization of missiles, torpedoes, other weap-
 9 ons, other ordnance and ammunition, and related support
 10 equipment including spare parts, and accessories therefor;
 11 expansion of public and private plants, including the land
 12 necessary therefor, and such lands and interests therein,
 13 may be acquired, and construction prosecuted thereon
 14 prior to approval of title; and procurement and installation
 15 of equipment, appliances, and machine tools in public and
 16 private plants; reserve plant and Government and contrac-
 17 tor-owned equipment layaway; ~~(59)\$2,808,986,000, to re-~~
 18 ~~main available for obligation until September 30, 1996~~
 19 *\$2,972,906,000, to remain available for obligation until*
 20 *September 30, 1996: Provided, That of the funds appro-*
 21 *priated in this paragraph, \$1,028,596,000 shall not be obli-*
 22 *gated or expended for procurement or advance procurement*
 23 *of Trident II missiles unless the President has certified to*
 24 *Congress that the other signatories to the START treaty*
 25 *have rejected a United States proposal to the Joint Compli-*

1 *ance and Inspection Commission that “detubing” be accept-*
 2 *ed as an option for eliminating SLBM launchers under*
 3 *START II or until the President has certified to Congress*
 4 *that such course of action would not be in the national in-*
 5 *terest (60):—Provided, That of the funds appropriated in*
 6 *this paragraph, \$44,162,000 shall not be obligated or ex-*
 7 *pende until authorized by law.*

8 SHIPBUILDING AND CONVERSION, NAVY

9 For expenses necessary for the construction, acquisi-
 10 tion, or conversion of vessels as authorized by law, includ-
 11 ing armor and armament thereof, plant equipment, appli-
 12 ances, and machine tools and installation thereof in public
 13 and private plants; reserve plant and Government and con-
 14 tractor-owned equipment layaway; procurement of critical,
 15 long leadtime components and designs for vessels to be
 16 constructed or converted in the future; and expansion of
 17 public and private plants, including land necessary there-
 18 for, and such lands and interests therein, may be acquired,
 19 and construction prosecuted thereon prior to approval of
 20 title, as follows:

21 (61) *Carrier replacement program,*
 22 *\$3,403,600,000: Provided, That these funds shall not*
 23 *be oligated or expended until authorized by law;*
 24 Refueling overhauls, \$31,127,000;

1 DDG-51 destroyer program,
 2 ~~(62)\$2,642,772,000~~ \$2,610,972,000;

3 LHD-1 amphibious assault ship program,
 4 \$893,848,000~~(63)~~, of which \$50,000,000 may be
 5 available for advance procurement on the LHD-7
 6 amphibious assault ship;

7 ~~(64)~~Mine warfare command and control ship;
 8 \$124,175,000;

9 Oceanographic ship program,
 10 ~~(65)\$110,049,000: Provided, That pursuant to 10~~
 11 ~~U.S.C. section 2304(c)(5), the last vessel of the T-~~
 12 ~~AGS 60 oceanographic research ship program may~~
 13 ~~be procured as an option to the contract for the con-~~
 14 ~~struction of the lead ship of the class: Provided fur-~~
 15 ~~ther, That none of the funds provided in this Act or~~
 16 ~~any other Act may be obligated for T-AGS~~
 17 ~~multibeam sonar systems prior to review by the~~
 18 ~~Committees on Appropriations of a Navy plan detail-~~
 19 ~~ing compliance with the recommendations of the~~
 20 ~~Comptroller General of the United States set forth~~
 21 ~~in his decision of August 19, 1993 (Case B-253129)~~
 22 ~~\$62,482,000;~~

23 For craft, outfitting, post delivery,
 24 ~~(66)~~production design support, and first destination

1 transportation, ~~(67)~~and cost growth, \$595,131,000
 2 \$330,104,000;
 3 In all: ~~(68)\$5,397,102,000~~ \$7,332,133,000, to remain
 4 available for obligation until September 30, 1998: *Pro-*
 5 *vided*, That additional obligations may be incurred after
 6 September 30, 1998, for engineering services, tests, eval-
 7 uations, and other such budgeted work that must be per-
 8 formed in the final stage of ship construction: *Provided*
 9 *further*, That none of the funds herein provided for the
 10 construction or conversion of any naval vessel to be con-
 11 structed in shipyards in the United States shall be ex-
 12 pended in foreign facilities for the construction of major
 13 components of such vessel: *Provided further*, That none of
 14 the funds herein provided shall be used for the construc-
 15 tion of any naval vessel in foreign shipyards~~(69):~~~~*Pro-*~~
 16 ~~*vided further*~~, That of the funds appropriated in this para-
 17 graph, \$1,236,914,000 shall not be obligated or expended
 18 until authorized by law.

19 OTHER PROCUREMENT, NAVY

20 For procurement, production, and modernization of
 21 support equipment and materials not otherwise provided
 22 for, Navy ordnance (except ordnance for new aircraft, new
 23 ships, and ships authorized for conversion); the purchase
 24 of not to exceed 609 passenger motor vehicles for replace-
 25 ment only; expansion of public and private plants, includ-

1 ing the land necessary therefor, and such lands and inter-
 2 ests therein, may be acquired, and construction prosecuted
 3 thereon prior to approval of title; and procurement and
 4 installation of equipment, appliances, and machine tools
 5 in public and private plants; reserve plant and Govern-
 6 ment and contractor-owned equipment layaway;
 7 ~~(70)\$2,980,815,000~~ \$2,794,718,000, to remain available
 8 for obligation until September 30, 1996~~(71):~~*Provided,*
 9 That of the funds herein provided for the Computer Acqui-
 10 sition Productivity Program, not less than \$20,000,000
 11 shall be available, obligated, and expended only for auto-
 12 matic data processing investment equipment and periph-
 13 eral equipment and related software for Defense Account-
 14 ing Office and Naval Computer and Telecommunications
 15 Station, New Orleans, the Enlisted Personnel Manage-
 16 ment Center, and the Naval Reserve Personnel Cen-
 17 ter~~(72):~~*Provided further,* That all Naval and Marine
 18 Corps active and reserve personnel central design activities
 19 and personnel accounting programs shall be managed and
 20 coordinated at the Enlisted Personnel Management Center
 21 and the Naval Reserve Personnel Center~~(73):~~*Provided*
 22 *further,* That the Secretary of Defense shall provide a re-
 23 port on establishing a full service finance and accounting
 24 operation for joint reserve functions at the Defense Ac-
 25 counting Office, New Orleans and the Naval Reserve

1 Forces Command(74):~~Provided further, That the oper-~~
 2 ations and functions of the Reserve Financial Manage-
 3 ment System shall remain colocated with the Commander,
 4 Naval Reserve Force(75):~~Provided further, That of the~~
 5 funds appropriated in this paragraph, \$119,335,000 shall
 6 not be obligated or expended until authorized by law.

7 PROCUREMENT, MARINE CORPS

8 For expenses necessary for the procurement, manu-
 9 facture, and modification of missiles, armament, ammuni-
 10 tion, military equipment, spare parts, and accessories
 11 therefor; plant equipment, appliances, and machine tools,
 12 and installation thereof in public and private plants; re-
 13 serve plant and Government and contractor-owned equip-
 14 ment layaway; vehicles for the Marine Corps, including the
 15 purchase of not to exceed 96 passenger motor vehicles for
 16 replacement only; and expansion of public and private
 17 plants, including land necessary therefor, and such lands
 18 and interests therein, may be acquired and construction
 19 prosecuted thereon prior to approval of title;
 20 (76)\$527,754,000 \$441,056,000, to remain available for
 21 obligation until September 30, 1996(77):~~Provided, That~~
 22 of the funds appropriated in this paragraph, \$56,733,000
 23 shall not be obligated or expended until authorized by law.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
 3 aircraft and equipment, including armor and armament,
 4 specialized ground handling equipment, and training de-
 5 vices, spare parts, and accessories therefor; specialized
 6 equipment; expansion of public and private plants, Gov-
 7 ernment-owned equipment and installation thereof in such
 8 plants, erection of structures, and acquisition of land, for
 9 the foregoing purposes, and such lands and interests
 10 therein, may be acquired, and construction prosecuted
 11 thereon prior to approval of title; reserve plant and Gov-
 12 ernment and contractor-owned equipment layaway; and
 13 other expenses necessary for the foregoing purposes in-
 14 cluding rents and transportation of things;
 15 ~~(78)\$6,887,201,000~~ \$4,017,475,000, to remain available
 16 for obligation until September 30, 1996~~(79):—Provided,~~
 17 That of the funds appropriated in this paragraph, not less
 18 than \$20,000,000 shall be available only for the C-130J
 19 aircraft~~(80):~~ *Provided, That of the funds appropriated*
 20 *under this paragraph, \$4,500,000 shall be available for re-*
 21 *placement of the TER-9A ejection rack for F-16 fighter air-*
 22 *craft.*

23 MISSILE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
 25 missiles, spacecraft, rockets, and related equipment, in-

1 cluding spare parts and accessories therefor, ground han-
 2 dling equipment, and training devices; expansion of public
 3 and private plants, Government-owned equipment and in-
 4 stallation thereof in such plants, erection of structures,
 5 and acquisition of land, for the foregoing purposes, and
 6 such lands and interests therein, may be acquired, and
 7 construction prosecuted thereon prior to approval of title;
 8 reserve plant and Government and contractor-owned
 9 equipment layaway; and other expenses necessary for the
 10 foregoing purposes including rents and transportation of
 11 things; ~~(81)\$3,845,354,000~~ \$4,127,514,000, to remain
 12 available for obligation until September 30, 1996~~(82):-~~
 13 *Provided, That of the funds appropriated in this para-*
 14 *graph, \$224,483,000 shall not be obligated or expended*
 15 *until authorized by law.*

16 OTHER PROCUREMENT, AIR FORCE

17 For procurement and modification of equipment (in-
 18 cluding ground guidance and electronic control equipment,
 19 and ground electronic and communication equipment),
 20 and supplies, materials, and spare parts therefor, not oth-
 21 erwise provided for; the purchase of not to exceed 2 vehi-
 22 cles required for physical security of personnel, notwith-
 23 standing price limitations applicable to passenger vehicles
 24 but not to exceed \$180,000 per vehicle; the purchase of
 25 not to exceed 710 passenger motor vehicles of which 695

1 shall be for replacement only; and expansion of public and
 2 private plants, Government-owned equipment and installa-
 3 tion thereof in such plants, erection of structures, and ac-
 4 quisition of land, for the foregoing purposes, and such
 5 lands and interests therein, may be acquired, and con-
 6 struction prosecuted thereon, prior to approval of title; re-
 7 serve plant and Government and contractor-owned equip-
 8 ment layaway; ~~(83)\$7,336,918,000~~ \$7,527,084,000, to re-
 9 main available for obligation until September 30, 1996.

10 NATIONAL GUARD AND RESERVE EQUIPMENT

11 For procurement of aircraft, missiles, tracked combat
 12 vehicles, ammunition, other weapons, and other procure-
 13 ment for the reserve components of the Armed Forces;
 14 ~~(84)\$1,178,100,000~~ \$785,000,000, to remain available for
 15 obligation until September 30, 1996~~(85):~~ ~~Provided, That~~
 16 of the funds appropriated in this paragraph,
 17 \$184,825,000 shall not be obligated or expended until au-
 18 thorized by law.

19 PROCUREMENT, DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
 21 ment of Defense (other than the military departments)
 22 necessary for procurement, production, and modification
 23 of equipment, supplies, materials, and spare parts there-
 24 for, not otherwise provided for; the purchase of not to ex-
 25 ceed 1 vehicle required for physical security of personnel,

1 notwithstanding price limitations applicable to passenger
 2 vehicles but not to exceed \$180,000 per vehicle; and the
 3 purchase of not to exceed 438 passenger motor vehicles,
 4 of which 420 shall be for replacement only; expansion of
 5 public and private plants, equipment, and installation
 6 thereof in such plants, erection of structures, and acquisi-
 7 tion of land for the foregoing purposes, and such lands
 8 and interests therein, may be acquired, and construction
 9 prosecuted thereon prior to approval of title; reserve plant
 10 and Government and contractor-owned equipment lay-
 11 away; ~~(86)\$1,557,344,000~~ \$1,602,726,000, to remain
 12 available for obligation until September 30, 1996~~(87)~~:-
 13 *Provided*, That the funds available under this heading for
 14 the High Performance Computer Modernization plan may
 15 be used only for: (1) the execution of existing contract up-
 16 grade options of installed stable supercomputer facilities
 17 that have not kept technically current; or (2) the acquisi-
 18 tion in open, competitive procurements of architecturally
 19 stable, fully user-operational, compatible supercomputers
 20 possessing essentially stable system software, which have
 21 been successfully demonstrated using statistically valid
 22 samples of the current workload of the laboratories in
 23 question without substantive reprogramming or program
 24 conversion.

1 **(88)**DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
 3 to sections 108, 301, 302, and 303 of the Defense Produc-
 4 tion Act of 1950, as amended (50 U.S.C. App. 2061);
 5 \$200,000,000, to remain available until expended: *Pro-*
 6 *vided*, That none of these funds shall be obligated for any
 7 project unless a Presidential determination has been made
 8 in accordance with the Defense Production Act: *Provided*
 9 *further*, That the Department of Defense shall notify the
 10 Committees on Appropriations of the House of Represent-
 11 atives and the Senate sixty days prior to the release of
 12 funds for any project not previously approved by Congress.

13 TITLE IV

14 RESEARCH, DEVELOPMENT, TEST AND

15 EVALUATION

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 ARMY

18 For expenses necessary for basic and applied sci-
 19 entific research, development, test and evaluation, includ-
 20 ing maintenance, rehabilitation, lease, and operation of fa-
 21 cilities and equipment, as authorized by law;
 22 **(89)**~~\$5,560,082,000~~ \$5,275,385,000, to remain available
 23 for obligation until September 30, 1995: *Provided*, That
 24 \$2,000,000 shall be made available only for the Center
 25 for Prostate Disease Research at the Walter Reed Army

1 Institute of Research: *Provided further*, That \$5,000,000
2 shall be made available only for the Center of Excellence
3 in Breast Cancer Research and Training at the National
4 Naval Medical Center, in Bethesda, Maryland(90):~~*Pro-*~~
5 ~~*vided further*~~, That not less than \$1,000,000 of the funds
6 appropriated in this paragraph shall be made available
7 only to a joint research partnership involving an edu-
8 cational institution, not now engaged in a large volume
9 of basic research, and a biomedical research institute, in-
10 cluding a working arrangement with Canadian and Ger-
11 man scientists, for the development and testing of a new
12 insulin derivative for the treatment of diabetes and
13 hypoglycemia in the dependents of active duty military
14 members: *Provided further*, That \$1,000,000 of the funds
15 appropriated in this paragraph shall be available for a
16 lyme disease program: *Provided further*, That of the funds
17 appropriated in this paragraph, \$142,941,000 shall not be
18 obligated or expended until authorized by law: *Provided*
19 *further*, That of the funds appropriated under this heading,
20 \$15,000,000 may be made available for an upgrade of the
21 Los Alamos Meson Physics Facility/Los Alamos Neutron
22 Scattering Center upon the determination by the Secretary
23 of Defense and the Secretary of Energy that the project will
24 make a significant contribution to enhancing the capabili-
25 ties of United States armed forces.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of
6 facilities and equipment, as authorized by law;
7 ~~(\$8,604,777,000~~ \$7,925,369,000, to remain available
8 for obligation until September 30, 1995~~(92)~~: *Provided*,
9 That for continued research and development programs at
10 the National Center for Physical Acoustics, centering on
11 ocean acoustics as it applies to advanced antisubmarine
12 warfare acoustics issues with focus on ocean bottom acous-
13 tics, seismic coupling, sea-surface and bottom scattering,
14 oceanic ambient noise, underwater sound propagation,
15 bubble related ambient noise, acoustically active surfaces,
16 machinery noise, propagation physics, solid state acous-
17 ties, electrorheological fluids, transducer development, ul-
18 trasonic sensors, and other such projects as may be agreed
19 upon, \$1,000,000 shall be made available, as a grant, to
20 the Mississippi Resource Development Corporation, of
21 which not to exceed \$250,000 of such sum may be used
22 to provide such special equipment as may be required for
23 particular projects~~(93)~~: *Provided further*, That none of
24 the funds appropriated in this paragraph may be obligated
25 or expended to develop or purchase equipment for an

1 Aegis destroyer variant (commonly known as “Flight
2 IIA”) whose initial operating capability is budgeted to be
3 achieved prior to the initial operating capability of the
4 Ship Self-Defense program, nor to develop sensor, proc-
5 essor, or display capabilities which duplicate in any way
6 those being developed in the Ship Self-Defense pro-
7 gram(94): *Provided further*, That funds appropriated in
8 this paragraph for Aegis Combat System Engineering tac-
9 tical display simplification may be obligated only to de-
10 velop equipment on an interim basis which is planned to
11 be installed in Aegis ships prior to the date that the first
12 production unit of the Advanced Display System is
13 planned to be accepted by the Government(95): *Provided*
14 *further*, That funds appropriated in this paragraph for
15 Aegis Combat System Engineering tactical display sim-
16 plification may not be obligated on contracts which include
17 production options for ship installations planned beyond
18 the date that the first production unit of the Advanced
19 Display System is planned to be accepted by the Govern-
20 ment(96): *Provided further*, That funds appropriated in
21 this paragraph for development of E-2C aircraft upgrades
22 may not be obligated until the Under Secretary of Defense
23 for Acquisition submits a plan to the Committees on Ap-
24 propriations and Armed Services of each House of Con-
25 gress for development and deployment of a fully partici-

1 pating cooperative engagement capability on E-2 aircraft
 2 to be fielded concurrent with and no later than major com-
 3 puter upgrades for the aircraft(97): *Provided further,*
 4 That funds appropriated in this paragraph for develop-
 5 ment of the L-X ship may not be obligated unless the
 6 baseline design of the ship includes cooperative engage-
 7 ment capability and sufficient own-ship self-defense capa-
 8 bility against advanced sea-skimming antiship cruise mis-
 9 siles in the baseline design to achieve an estimated prob-
 10 ability of survival from attack by such missiles at a level
 11 no less than any other Navy ship(98): *Provided further,*
 12 That after January 1, 1994, funds appropriated in this
 13 paragraph for the Naval Research Laboratory may not be
 14 obligated unless the Navy's Manufacturing Technology
 15 Program Office has responsibilities and position equiva-
 16 lent to the Science and Technology Directorates at the Of-
 17 fice of Naval Research and is fully staffed to meet those
 18 responsibilities.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

20 AIR FORCE

21 For expenses necessary for basic and applied sci-
 22 entific research, development, test and evaluation, includ-
 23 ing maintenance, rehabilitation, lease, and operation of fa-
 24 cilities and equipment, as authorized by law;
 25 (99)\$12,608,995,000 \$11,847,970,000, to remain avail-

1 able for obligation until September 30, 1995(100):~~Pro-~~
 2 ~~vided~~, That not less than \$21,000,000 of the funds appro-
 3 priated in this paragraph shall be made available only for
 4 the Joint Seismic Program and Global Seismic Network
 5 administered by the Incorporated Research Institutions
 6 for Seismology:~~Provided further~~, That not less than
 7 \$60,000,000 of the funds appropriated in this paragraph
 8 shall be made available only for the National Center for
 9 Manufacturing Sciences (NCMS): *Provided*, That not less
 10 than \$74,000,000 of the funds appropriated in this para-
 11 graph shall be made available only for development of the
 12 Global Positioning System (GPS) Aided Relative Synthetic
 13 Aperture Radar Targeting/GPS-Aided Munitions (GATS/
 14 GAM) capability for the B-2 Advanced Technology Bomber:
 15 *Provided further*, That of the funds appropriated in this
 16 paragraph, not less than \$15,000,000 of the funds in the
 17 Advanced Weapons program element shall be made avail-
 18 able only to continue the establishment and operation of
 19 an image information processing center supporting the Air
 20 Force Maui Space Surveillance Site (MSSS): *Provided fur-*
 21 *ther*, That of the funds appropriated in this paragraph,
 22 \$2,000,000 shall be made available only for development
 23 and testing of down-sized test equipment for the F-15.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

3 For expenses of activities and agencies of the Depart-
4 ment of Defense (other than the military departments),
5 necessary for basic and applied scientific research, devel-
6 opment, test and evaluation; advanced research projects
7 as may be designated and determined by the Secretary
8 of Defense, pursuant to law; maintenance, rehabilitation,
9 lease, and operation of facilities and equipment, as author-
10 ized by law; ~~(101)\$9,376,918,000~~ \$8,296,588,000, to re-
11 main available for obligation until September 30,
12 1995~~(102):~~~~Provided~~, That not less than \$97,000,000 of
13 the funds appropriated in this paragraph are available
14 only for the Extended Range Interceptor (ERINT) mis-
15 sile: ~~Provided further~~, That the Ballistic Missile Defense
16 Organization (BMDO) shall continue its current strategy
17 of flight testing, ground testing, simulations, and other
18 Government analyses of the Patriot Multimode Missile and
19 the Extended Range Interceptor for selection of the best
20 technology in terms of cost, schedule, risk, and perform-
21 ance to meet PAC-3 missile requirements for theater mis-
22 sile defense and that the Director, BMDO, will determine
23 when there is adequate information to proceed to selection
24 for engineering and manufacturing development: ~~Provided~~
25 ~~further~~, That none of the funds in this paragraph may be

1 used to operate more than one external affairs office in
2 the Washington, D.C. area for ballistic missile defense
3 programs(103): *—Provided further,* That not less than
4 \$15,000,000 of the funds appropriated in this paragraph
5 shall be made available as a grant awarded through com-
6 petitive procedures to a State supported historically black
7 college or university with a demonstrated expertise in
8 physics and materials science, a doubled enrollment over
9 the past seven years, and a leading enrollment of National
10 Achievement Scholars over the last several years, for con-
11 struction to expand facilities for basic sciences and engi-
12 neering associated with research, development, and other
13 programs of major importance to the Department of De-
14 fense: *Provided further,* That not less than 25 percent of
15 the funds appropriated in this paragraph for the High
16 Performance Computing initiative may be obligated only
17 for research designed to develop improved performance
18 from high performance computing systems and technology
19 utilizing parallel vector processing architecture: *Provided*
20 *further,* That not less than \$20,000,000 of the funds ap-
21 propriated in this paragraph shall be available only for an
22 Experimental Program to Stimulate Competitive Research
23 (EPSCOR) in the Department of Defense which shall in-
24 clude all States eligible as of the date of enactment of this
25 Act for the National Science Foundation Experimental

1 Program to Stimulate Competitive Research: *Provided fur-*
2 *ther,* That none of the funds appropriated in this para-
3 graph for research, development, demonstration, or com-
4 mercialization of electric vehicles and the related infra-
5 structure; fuel cell research; natural gas research; or coal
6 research, authorized to be conducted by the Secretary of
7 Energy under statutes administered by such Secretary
8 shall be obligated by the Secretary of Defense except in
9 accordance with the applicable provisions of the Energy
10 Policy Act of 1992 and other relevant statutes and pursu-
11 ant to an agreement, made available to the applicable leg-
12 islative and appropriation Committees of Congress, be-
13 tween the Secretary of Defense and the Secretary of En-
14 ergy that provides for coordination of all such activities
15 with the relevant programs at the Department of Energy
16 administered under such Acts: *Provided further,* That of
17 the funds appropriated under this heading, not less than
18 \$52,000,000 shall be made available only for the Com-
19 puter-aided Acquisition and Logistics Support (CALS)
20 Shared Resource Center (CSRC) program. Of that
21 amount, not less than \$30,000,000 shall be made available
22 only for the continued operation of the original CSRC by
23 the current nonprofit institution or its successor in inter-
24 est, as the Department's tri-service CALS standards and
25 technologies development, deployment, training, and edu-

1 cation hub for the CSRC program; the continued oper-
 2 ation of the CSRC Regional Satellite (CRS); and the es-
 3 tablishment and continued operation of additional CRSs
 4 to be operated by educational or other nonprofit institu-
 5 tions. In addition, \$20,000,000 shall be made available
 6 only for the continued operation of the six original CRSs:
 7 *Provided further, That none of the funds in this Act can*
 8 *be expended to pay the salaries or expenses of the Depart-*
 9 *ment's CSRC Program Management Office unless such of-*
 10 *fice is located within the Office of the Secretary of De-*
 11 *fense: Provided further, That nothing shall prohibit use of*
 12 *the CSRC or CRSs by industry, associations, other De-*
 13 *partment of Defense services and agencies, and other gov-*
 14 *ernment agencies for efforts to be separately negotiated*
 15 *and funded: Provided further, That \$2,300,000 shall be*
 16 *made available only for cell adhesion molecule research:*
 17 *Provided, That of the funds appropriated in this para-*
 18 *graph, not less than \$5,000,000 of the funds in the High*
 19 *Performance Computing Modernization program element*
 20 *shall be made available only to upgrade the supercomputing*
 21 *capability and capacity of the Maui High Performance*
 22 *Computing Center(104): Provided further, That of the*
 23 *funds appropriated under this heading, \$10,500,000 shall*
 24 *be available only for the ARPA Nuclear Nonproliferation*
 25 *Technology Initiative(105): Provided further, That of the*

1 *funds appropriated in this paragraph, \$6,500,000 shall be*
 2 *available for the establishment and operation of a Joint*
 3 *Simulation Center for Warfighting Concepts and Doctrine*
 4 *Development: Provided further, That of the funds appro-*
 5 *priated in this paragraph, \$5,000,000 shall be available for*
 6 *the establishment of a Peace Enforcement Doctrine Develop-*
 7 *ment Center*~~(106)~~*: Provided further, That of the funds ap-*
 8 *propriated under this heading, \$4,600,000 shall be made*
 9 *available only for the design and demonstration of the Yan-*
 10 *kee Methanol Plantship.*

11 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

12 For expenses, not otherwise provided for, of inde-
 13 pendent activities of the Director, Test and Evaluation in
 14 the direction and supervision of developmental test and
 15 evaluation, including performance and joint developmental
 16 testing and evaluation; and administrative expenses in
 17 connection therewith; ~~(107)\$232,592,000~~ \$228,047,000,
 18 to remain available for obligation until September 30,
 19 1995.

20 OPERATIONAL TEST AND EVALUATION, DEFENSE

21 For expenses, not otherwise provided for, necessary
 22 for the independent activities of the Director, Operational
 23 Test and Evaluation in the direction and supervision of
 24 operational test and evaluation, including initial oper-
 25 ational test and evaluation which is conducted prior to,

1 and in support of, production decisions; joint operational
 2 testing and evaluation; and administrative expenses in
 3 connection therewith; \$12,650,000, to remain available for
 4 obligation until September 30, 1995.

5 TITLE V

6 REVOLVING AND MANAGEMENT FUNDS

7 DEFENSE BUSINESS OPERATIONS FUND

8 For the Defense Business Operations Fund;
 9 ~~(108)\$1,091,100,000~~ *\$1,161,095,000*~~(109):—Provided,~~
 10 That none of the funds available in the Defense Business
 11 Operations Fund shall be used for any hardware procure-
 12 ment, new development, or expansion of the Defense Busi-
 13 ness Management System; except that funds may be used
 14 to continue minimal maintenance efforts of the Defense
 15 Business Management System for the Defense Logistics
 16 Agency to continue daily operations.

17 NATIONAL DEFENSE ~~(110)~~SEALIFT *STRATEGIC LIFT*

18 FUND

19 ~~(111)~~(INCLUDING TRANSFER OF FUNDS)

20 For National Defense ~~(112)~~SEALIFT *Strategic Lift*
 21 Fund programs, projects, and activities,
 22 ~~(113)\$490,800,000~~ *\$2,669,100,000*, to remain available
 23 until expended~~(114):—Provided,~~ That up to \$200,000,000
 24 shall be available for transfer to the Secretary of Trans-
 25 portation for costs (as defined in section 502 of the Fed-

1 eral Credit Reform Act of 1990) of loan guarantee com-
2 mitments under title XII of the Merchant Marine Act,
3 1936, as amended by H.R. 2401, the National Defense
4 Authorization Act for Fiscal Year 1994: *Provided further,*
5 That any facilities financed by the foregoing loan guaran-
6 tee commitments must make use of new technologies and
7 processes which have been demonstrated by Department
8 of Defense organizations prior to construction of facilities:
9 *Provided further,* That all loan guarantees or loan guaran-
10 tee commitments made by the Secretary of Transportation
11 shall occur only after consultation with the Secretary of
12 Defense: *Provided further,* That notwithstanding any other
13 provision of law, the Secretary of Transportation shall give
14 priority to providing loan guarantees to businesses located
15 in enterprise zones and investing private funds in develop-
16 ing integrated design and manufacturing facilities tech-
17 nologies: *Provided further,* That notwithstanding any other
18 provision of law, all loan guarantees or loan guarantee
19 commitments for ship construction shall be made without
20 regard to gross ton weight.

21 TITLE VI

22 OTHER DEPARTMENT OF DEFENSE PROGRAMS

23 DEFENSE HEALTH PROGRAM

24 For expenses, not otherwise provided for, for medical
25 and health care programs of the Department of Defense,

1 as authorized by law; ~~(115)\$9,644,447,000~~
 2 ~~\$9,576,209,000~~, of which ~~(116)\$9,368,185,000~~
 3 ~~\$9,303,447,000~~ shall be for Operation and maintenance, of
 4 which ~~(117)\$276,262,000~~ ~~\$272,762,000~~, to remain avail-
 5 able for obligation until September 30, 1996, shall be for
 6 Procurement: *Provided*, That the Department shall com-
 7 petitively contract during fiscal year 1994 for mail service
 8 pharmacy for at least two multi-state regions in addition
 9 to the ongoing solicitations for Florida, South Carolina,
 10 Georgia, Delaware, New Jersey, Pennsylvania, and Ha-
 11 waii, as well as each base closure area not supported by
 12 an at-risk managed care plan; that such services shall be
 13 procured independent of any other Department managed
 14 care contracts; that one multi-state region shall include
 15 the State of Kentucky ~~(118)~~ *and that one multi-state re-*
 16 *gion shall include the State of New Mexico* ~~(119):~~ ~~*Provided*~~
 17 ~~*further*~~, That of the funds appropriated in this Act, such
 18 funds as necessary shall be used for the continuation of
 19 the cooperative program model being established at Mad-
 20 igan Medical Center for severely behavior disordered stu-
 21 dents: ~~*Provided further*~~, That of the funds appropriated
 22 in this paragraph, ~~\$265,000,000~~ shall not be obligated or
 23 expended until authorized by law: *Provided further*, That
 24 of the funds appropriated under this heading, not less than
 25 \$1,410,000 shall be made available only for annual incen-

10 For expenses, not otherwise provided for, necessary
11 for the destruction of the United States stockpile of lethal
12 chemical agents and munitions in accordance with the pro-
13 visions of section 1412 of the Department of Defense Au-
14 thorization Act, 1986, (50 U.S.C. 1521) and for the de-
15 struction of other chemical warfare materials that are not
16 in the chemical weapon stockpile, ~~(120)\$397,561,000~~
17 ~~\$395,847,000~~, of which ~~(121)\$292,061,000~~ *\$278,361,000*
18 shall be for Operation and maintenance,
19 ~~(122)\$74,800,000~~ *\$65,886,000*, shall be for Procurement,
20 to remain available until September 30, 1996, ~~(123)shall~~
21 ~~be for Procurement~~, and ~~(124)\$30,700,000~~ *\$51,600,000*,
22 *shall be for Research, development, test and evaluation*, to
23 remain available until September 30, 1995~~(125),—shall be~~
24 ~~for Research, development, test and evaluation~~~~(126): Pro-~~
25 ~~vided, That of the funds appropriated in this paragraph,~~

1 \$30,700,000 shall not be obligated or expended until au-
 2 thorized by law.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
 4 DEFENSE
 5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
 7 the Department of Defense, for transfer to appropriations
 8 available to the Department of Defense for military per-
 9 sonnel of the reserve components serving under the provi-
 10 sions of title 10 and title 32, United States Code; for Op-
 11 eration and maintenance; for Procurement; and for Re-
 12 search, development, test and evaluation;
 13 ~~127)~~\$757,785,000 \$1,080,656,000: *Provided*, That the
 14 funds appropriated by this paragraph shall be available
 15 for obligation for the same time period and for the same
 16 purpose as the appropriation to which transferred: *Pro-*
 17 *vided further*, That the transfer authority provided in this
 18 paragraph is in addition to any transfer authority con-
 19 tained elsewhere in this Act~~(128)~~:~~*Provided further*, That~~
 20 ~~of the funds appropriated in this paragraph, not less than~~
 21 ~~\$5,900,000 shall be available only for the Gulf States~~
 22 ~~Counter-Narcotics Initiative.~~

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the
 25 Inspector General in carrying out the provisions of the

1 Inspector General Act of 1978, as amended;
 2 ~~129~~ ~~\$169,801,000~~ *\$127,601,000*, of which
 3 ~~130~~ ~~\$169,001,000~~ *\$126,801,000* shall be for Operation
 4 and maintenance, of which not to exceed \$400,000 is
 5 available for emergencies and extraordinary expenses to
 6 be expended on the approval or authority of the Inspector
 7 General, and payments may be made on his certificate of
 8 necessity for confidential military purposes; and of which
 9 \$800,000, to remain available until September 30, 1996,
 10 shall be for Procurement.

11 TITLE VII

12 RELATED AGENCIES

13 ~~131~~ NATIONAL FOREIGN INTELLIGENCE

14 PROGRAM

15 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

16 DISABILITY SYSTEM FUND

17 For payment to the Central Intelligence Agency Re-
 18 tirement and Disability System Fund, to maintain proper
 19 funding level for continuing the operation of the Central
 20 Intelligence Agency Retirement and Disability System;
 21 \$182,300,000.

22 NATIONAL SECURITY EDUCATION TRUST FUND

23 ~~132~~ (RESCISSION)

24 Of the funds made available in Public Law 103-50
 25 for the National Security Education Act under the head-

1 ing “National Security Education Trust Fund”,
 2 \$10,000,000 is hereby rescinded.

3 Of the funds made available in Public Law 102–172
 4 for the National Security Education Trust Fund,
 5 \$140,000,000 and interest earned and accrued thereon is
 6 hereby rescinded.

7 *For the purposes of Title VIII of Public Law 102–183,*
 8 *\$24,000,000 to be derived from the National Security Edu-*
 9 *cation Trust Fund, to remain available until expended.*

10 COMMUNITY MANAGEMENT STAFF

11 For necessary expenses of the Community Manage-
 12 ment Staff; ~~(133)\$114,688,000~~ \$115,788,000.

13 TITLE VIII

14 GENERAL PROVISIONS

15 SEC. 8001. No part of any appropriation contained
 16 in this Act shall be used for publicity or propaganda pur-
 17 poses not authorized by the Congress.

18 SEC. 8002. During the current fiscal year, provisions
 19 of law prohibiting the payment of compensation to, or em-
 20 ployment of, any person not a citizen of the United States
 21 shall not apply to personnel of the Department of Defense:
 22 *Provided*, That salary increases granted to direct and indi-
 23 rect hire foreign national employees of the Department of
 24 Defense funded by this Act shall not be at a rate in excess
 25 of the percentage increase authorized by law for civilian

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further,*
6 That this section shall not apply to Department of De-
7 fense foreign service national employees serving at United
8 States diplomatic missions whose pay is set by the Depart-
9 ment of State under the Foreign Service Act of 1980
10 **(134)**: *Provided further, That the limitations of this provi-*
11 *sion shall not apply to foreign national employees of the*
12 *Department of Defense in the Republic of Turkey.*

13 SEC. 8003. No part of any appropriation contained
14 in this Act shall remain available for obligation beyond
15 the current fiscal year, unless expressly so provided herein.

16 SEC. 8004. No more than 20 per centum of the ap-
17 propriations in this Act which are limited for obligation
18 during the current fiscal year shall be obligated during
19 the last two months of the fiscal year: *Provided, That this*
20 *section shall not apply to obligations for support of active*
21 *duty training of reserve components or summer camp*
22 *training of the Reserve Officers' Training Corps, or the*
23 *National Board for the Promotion of Rifle Practice, Army.*

24 SEC. 8005. Section 9005 of the Department of De-
25 fense Appropriations Act, 1993 (Public Law 102-396) is

(135) SEC. 8005A. Title IV of the Department of De-
fense Appropriations Act, 1993 (Public Law 102-396;
106 Stat. 1890) is amended in the 9th proviso under the
heading “Research, Development, Test and Evaluation,
Army” by striking “six months” and inserting “18
months”.

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed ~~(136)\$2,000,000,000~~ \$1,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the

1 item for which funds are requested has been denied by
2 Congress: *Provided further*, That the Secretary of Defense
3 shall notify the Congress promptly of all transfers made
4 pursuant to this authority or any other authority in this
5 Act.

6 (TRANSFER OF FUNDS)

7 SEC. 8007. During the current fiscal year, cash bal-
8 ances in working capital funds of the Department of De-
9 fense established pursuant to section 2208 of title 10,
10 United States Code, may be maintained in only such
11 amounts as are necessary at any time for cash disburse-
12 ments to be made from such funds: *Provided*, That trans-
13 fers may be made between such funds and the “Foreign
14 Currency Fluctuations, Defense” and “Operation and
15 Maintenance” appropriation accounts in such amounts as
16 may be determined by the Secretary of Defense, with the
17 approval of the Office of Management and Budget, except
18 that such transfers may not be made unless the Secretary
19 of Defense has notified the Congress of the proposed
20 transfer. Except in amounts equal to the amounts appro-
21 priated to working capital funds in this Act, no obligations
22 may be made against a working capital fund to procure
23 or increase the value of war reserve material inventory,
24 unless the Secretary of Defense has notified the Congress
25 prior to any such obligation.

1 SEC. 8008. Using funds available by this Act or any
2 other Act, the Secretary of the Air Force, pursuant to a
3 determination under section 2690 of title 10, United
4 States Code, may implement cost-effective agreements for
5 required heating facility modernization in the
6 Kaiserslautern Military Community in the Federal Repub-
7 lic of Germany: *Provided*, That in the City of
8 Kaiserslautern such agreements will include the use of
9 United States anthracite as the base load energy for mu-
10 nicipal district heat to the United States Defense installa-
11 tions: *Provided further*, That at Landstuhl Army Regional
12 Medical Center and Ramstein Air Base, furnished heat
13 may be obtained from private, regional or municipal serv-
14 ices, if provisions are included for the consideration of
15 United States coal as an energy source.

16 SEC. 8009. Funds appropriated by this Act may not
17 be used to initiate a special access program without prior
18 notification 30 calendar days in session in advance to the
19 Committees on Appropriations and Armed Services of the
20 Senate and House of Representatives.

21 SEC. 8010. None of the funds contained in this Act
22 available for the Civilian Health and Medical Program of
23 the Uniformed Services shall be available for payments to
24 physicians and other authorized individual health care pro-
25 viders in excess of the amounts allowed in fiscal year 1993

1 for similar services, except that: (a) for services for which
2 the Secretary of Defense determines an increase is justi-
3 fied by economic circumstances, the allowable amounts
4 may be increased in accordance with appropriate economic
5 index data similar to that used pursuant to title XVIII
6 of the Social Security Act; and (b) for services the Sec-
7 retary determines are overpriced based on allowable pay-
8 ments under title XVIII of the Social Security Act, the
9 allowable amounts shall be reduced by not more than 15
10 percent (except that the reduction may be waived if the
11 Secretary determines that it would impair adequate access
12 to health care services for beneficiaries). The Secretary
13 shall solicit public comment prior to promulgating regula-
14 tions to implement this section. Such regulations shall in-
15 clude a limitation, similar to that used under title XVIII
16 of the Social Security Act, on the extent to which a pro-
17 vider may bill a beneficiary an actual charge in excess of
18 the allowable amount.

19 SEC. 8011. None of the funds provided in this Act
20 shall be available to initiate (1) a multiyear contract that
21 employs economic order quantity procurement in excess of
22 \$20,000,000 in any one year of the contract or that in-
23 cludes an unfunded contingent liability in excess of
24 \$20,000,000, or (2) a contract for advance procurement
25 leading to a multiyear contract that employs economic

1 order quantity procurement in excess of \$20,000,000 in
2 any one year, unless the Committees on Appropriations
3 and Armed Services of the Senate and House of Rep-
4 resentatives have been notified at least thirty days in ad-
5 vance of the proposed contract award: *Provided*, That no
6 part of any appropriation contained in this Act shall be
7 available to initiate a multiyear contract for which the eco-
8 nomic order quantity advance procurement is not funded
9 at least to the limits of the Government's liability: *Pro-*
10 *vided further*, That no part of any appropriation contained
11 in this Act shall be available to initiate multiyear procure-
12 ment contracts for any systems or component thereof if
13 the value of the multiyear contract would exceed
14 \$500,000,000 unless specifically provided in this Act: *Pro-*
15 *vided further*, That no multiyear procurement contract can
16 be terminated without 10-day prior notification to the
17 Committees on Appropriations and Armed Services of the
18 House of Representatives and the Senate: *Provided fur-*
19 *ther*, That the execution of multiyear authority shall re-
20 quire the use of a present value analysis to determine low-
21 est cost compared to an annual procurement.

22 **(137)**~~SEC. 8012.~~ (a) None of the funds appropriated
23 by this Act shall be available to convert a position in sup-
24 port of the Army Reserve, Air Force Reserve, Army Na-
25 tional Guard, and Air National Guard occupied by, or pro-

1 grammed to be occupied by, a (civilian) military technician
 2 to a position to be held by a person in an active duty sta-
 3 tus or active Guard or Reserve status if that conversion
 4 would reduce the total number of positions occupied by,
 5 or programmed to be occupied by, (civilian) military tech-
 6 nicians of the component concerned, below 69,061: *Pro-*
 7 *vided*, That none of the funds appropriated by this Act
 8 shall be available to support more than 46,111 positions
 9 in support of the Army Reserve, Army National Guard,
 10 or Air National Guard occupied by, or programmed to be
 11 occupied by, persons in an active Guard or Reserve status:
 12 *Provided further*, That none of the funds appropriated by
 13 this Act may be used to include (civilian) military techni-
 14 cians in computing civilian personnel ceilings, including
 15 statutory or administratively imposed ceilings, on activi-
 16 ties in support of the Army Reserve, Air Force Reserve,
 17 Army National Guard, or Air National Guard.

18 (b) None of the funds appropriated by this Act shall
 19 be used to include (civilian) military technicians in any
 20 administratively imposed freeze on civilian positions.

21 *SEC. 8012. Within the funds appropriated for the oper-*
 22 *ation and maintenance of the Armed Forces, funds are here-*
 23 *by appropriated pursuant to section 401 of title 10, United*
 24 *States Code, for humanitarian and civic assistance costs*
 25 *under chapter 20 of title 10, United States Code. Such funds*

1 *may also be obligated for humanitarian and civic assist-*
2 *ance costs incidental to authorized operations and pursuant*
3 *to authority granted in section 401 of chapter 20 of title*
4 *10, United States Code, and these obligations shall be re-*
5 *ported to Congress on September 30 of each year: Provided,*
6 *That funds available for operation and maintenance shall*
7 *be available for providing humanitarian and similar assist-*
8 *ance by using Civic Action Teams in the Trust Territories*
9 *of the Pacific Islands and freely associated states of Micro-*
10 *nesia, pursuant to the Compact of Free Association as au-*
11 *thorized by Public Law 99–239: Provided further, That*
12 *upon a determination by the Secretary of the Army that*
13 *such action is beneficial for graduate medical education*
14 *programs conducted at Army medical facilities located in*
15 *Hawaii, the Secretary of the Army may authorize the pro-*
16 *vision of medical services at such facilities and transpor-*
17 *tation to such facilities, on a nonreimbursable basis, for ci-*
18 *vilian patients from American Samoa, the Commonwealth*
19 *of the Northern Mariana Islands, the Marshall Islands, the*
20 *Federated States of Micronesia, Palau, and Guam.*

21 SEC. 8013. Notwithstanding any other provision of
22 law, governments of Indian tribes shall be treated as State
23 and local governments for the purposes of disposition of
24 real property recommended for closure in the report of the
25 Defense Secretary's Commission on Base Realignments

1 and Closures, December 1988, the report to the President
2 from the Defense Base Closure and Realignment Commis-
3 sion, July 1991, and Public Law 100-526.

4 ~~(138)~~Sec. 8014. (a) The provisions of section
5 115(a)(4) of title 10, United States Code, shall not apply
6 with respect to fiscal year 1994 or with respect to the ap-
7 propriation of funds for that year.

8 (b) During fiscal year 1994, the civilian personnel of
9 the Department of Defense may not be managed on the
10 basis of any end-strength, and the management of such
11 personnel during that fiscal year shall not be subject to
12 any constraint or limitation (known as an end-strength)
13 on the number of such personnel who may be employed
14 on the last day of such fiscal year.

15 (c) The fiscal year 1995 budget request for the De-
16 partment of Defense as well as all justification material
17 and other documentation supporting the fiscal year 1995
18 Department of Defense budget request shall be prepared
19 and submitted to the Congress as if subsections (a) and
20 (b) of this provision were effective with regard to fiscal
21 year 1995.

22 *SEC. 8014. Notwithstanding any other provision of*
23 *law, none of the funds made available by this Act shall be*
24 *used by the Department of Defense to exceed, outside the*
25 *fifty United States, its territories, and the District of Co-*

1 *lumbia, 131,250 civilian workyears: Provided, That*
2 *workyears shall be applied as defined in the Federal Person-*
3 *nel Manual: Provided further, That workyears expended in*
4 *dependent student hiring programs for disadvantaged*
5 *youths shall not be included in this workyear limitation.*

6 SEC. 8015. None of the funds made available by this
7 Act shall be used in any way, directly or indirectly, to in-
8 fluence congressional action on any legislation or appro-
9 priation matters pending before the Congress.

10 SEC. 8016. None of the funds appropriated by this
11 Act shall be obligated for the pay of any individual who
12 is initially employed after the date of enactment of this
13 Act as a technician in the administration and training of
14 the Army Reserve and the maintenance and repair of sup-
15 plies issued to the Army Reserve unless such individual
16 is also a military member of the Army Reserve troop pro-
17 gram unit that he or she is employed to support. Those
18 technicians employed by the Army Reserve in areas other
19 than Army Reserve troop program units need only be
20 members of the Selected Reserve.

21 SEC. 8017. None of the funds available to the De-
22 partment of Defense may be used for the floating storage
23 of petroleum or petroleum products except in vessels of
24 or belonging to the United States.

1 SEC. 8018. Notwithstanding any other provision of
2 law, the Secretaries of the Army and Air Force may au-
3 thorize the retention in an active status until age sixty
4 of any officer who would otherwise be removed from an
5 active status and who is employed as a National Guard
6 or Reserve technician in a position in which active status
7 in a reserve component of the Army or Air Force is re-
8 quired as a condition of that employment.

9 SEC. 8019. Notwithstanding any other provision of
10 law, proceeds from the investment of the Fisher House
11 Investment Trust Fund will be used to support the oper-
12 ation and maintenance of Fisher Houses associated with
13 Army medical treatment facilities.

14 SEC. 8020. (a) None of the funds appropriated by
15 this Act shall be used to make contributions to the Depart-
16 ment of Defense Education Benefits Fund pursuant to
17 section 2006(g) of title 10, United States Code, represent-
18 ing the normal cost for future benefits under section
19 1415(c) of title 38, United States Code, for any member
20 of the armed services who, on or after the date of enact-
21 ment of this Act—

22 (1) enlists in the armed services for a period of
23 active duty of less than three years; or

24 (2) receives an enlistment bonus under section
25 308a or 308f of title 37, United States Code,

1 nor shall any amounts representing the normal cost of
2 such future benefits be transferred from the Fund by the
3 Secretary of the Treasury to the Secretary of Veterans
4 Affairs pursuant to section 2006(d) of title 10, United
5 States Code; nor shall the Secretary of Veterans Affairs
6 pay such benefits to any such member: *Provided*, That,
7 in the case of a member covered by clause (1), these limi-
8 tations shall not apply to members in combat arms skills
9 or to members who enlist in the armed services on or after
10 July 1, 1989, under a program continued or established
11 by the Secretary of Defense in fiscal year 1991 to test
12 the cost-effective use of special recruiting incentives in-
13 volving not more than nineteen noncombat arms skills ap-
14 proved in advance by the Secretary of Defense: *Provided*
15 *further*, That this subsection applies only to active compo-
16 nents of the Army.

17 (b) None of the funds appropriated by this Act shall
18 be available for the basic pay and allowances of any mem-
19 ber of the Army participating as a full-time student and
20 receiving benefits paid by the Secretary of Veterans Af-
21 fairs from the Department of Defense Education Benefits
22 Fund when time spent as a full-time student is credited
23 toward completion of a service commitment: *Provided*,
24 That this subsection shall not apply to those members who
25 have reenlisted with this option prior to October 1, 1987:

1 *Provided further*, That this subsection applies only to ac-
2 tive components of the Army.

3 SEC. 8021. Funds appropriated in this Act shall be
4 available for the payment of not more than 75 percent
5 of the charges of a postsecondary educational institution
6 for the tuition or expenses of an officer in the Ready Re-
7 serve of the Army National Guard or Army Reserve for
8 education or training during his off-duty periods, except
9 that no part of the charges may be paid unless the officer
10 agrees to remain a member of the Ready Reserve for at
11 least four years after completion of such training or edu-
12 cation.

13 SEC. 8022. None of the funds appropriated by this
14 Act shall be available to convert to contractor performance
15 an activity or function of the Department of Defense that,
16 on or after the date of enactment of this Act, is performed
17 by more than ten Department of Defense civilian employ-
18 ees until a most efficient and cost-effective organization
19 analysis is completed on such activity or function and cer-
20 tification of the analysis is made to the Committees on
21 Appropriations of the House of Representatives and the
22 Senate: *Provided*, That this section shall not apply to a
23 commercial or industrial type function of the Department
24 of Defense that: (1) is included on the procurement list
25 established pursuant to section 2 of the Act of June 25,

1 1938 (41 U.S.C. 47), popularly referred to as the Javits-
 2 Wagner-O'Day Act; (2) is planned to be converted to per-
 3 formance by a qualified nonprofit agency for the blind or
 4 by a qualified nonprofit agency for other severely handi-
 5 capped individuals in accordance with that Act; or (3) is
 6 planned to be converted to performance by a qualified firm
 7 under 51 percent Native American ownership.

8 ~~(139)SEC. 8023.~~ None of the funds appropriated or
 9 made available by this Act may be obligated for acquisition
 10 of major automated information systems which have not
 11 successfully completed oversight reviews required by De-
 12 fense Department regulations: *Provided*, That the auto-
 13 mated information systems oversight review board will be
 14 independent of any other Department review function and
 15 chaired by the Assistant Secretary of Defense (Command,
 16 Control, Communications and Intelligence): *Provided fur-*
 17 *ther*, That except for those programs to modernize and de-
 18 velop migration and standard automated information sys-
 19 tems that have been certified by the Department's senior
 20 information resource management (IRM) official as being
 21 fully compliant with the Department's information man-
 22 agement initiative as defined in Defense Department Di-
 23 rective 8000.1, no funds may be expended for moderniza-
 24 tion or development of any automated information system
 25 (AIS) by the military departments, services, defense agen-

1 cies, Joint Staff or Military Commands in excess of
2 \$1,000,000 unless the senior official of the Office of the
3 Secretary of Defense with primary responsibility for the
4 functions being supported or to be supported certifies to
5 the Assistant Secretary of Defense for Command, Control,
6 Communications and Intelligence that the functional
7 requirement(s) is valid and that the system modernization
8 or development has no unnecessary duplication of other
9 available or planned AISS: *Provided further,* That the De-
10 partment shall develop the capability for open systems in-
11 tegration of commercial-off-the-shelf (COTS) applications
12 within the Composite Health Care System (CHCS): *Pro-*
13 *vided further,* That the Department shall limit deployment
14 of the Defense Blood Standard System (DBSS) to donor
15 and processing centers, and shall procure, install, and in-
16 tegrate by April 1, 1994, at two or more CHCS sites an
17 open system compliant COTS hospital-based blood bank/
18 transfusion application, with security access by application
19 function and developed in the same application language
20 as CHCS: *Provided further,* That the Department shall
21 procure and install at all CHCS alpha and beta sites by
22 April 1, 1994, an open system integrated anatomic pathol-
23 ogy COTS application with security access by application
24 function and developed with the same software application
25 language as CHCS: *Provided further,* That notwithstand-

1 ing any other provision of law, the one time investment
2 cost, including the procurement or lease of new or
3 reutilized automatic data processing investment equip-
4 ment, peripheral equipment and related software, for the
5 July 16, 1993 DOD Data Center Consolidation Plan shall
6 not exceed \$309,000,000.

7 *SEC. 8023. None of the funds appropriated or made*
8 *available by this Act may be obligated for acquisition of*
9 *major automated information systems which have not suc-*
10 *cessfully completed oversight reviews required by Defense*
11 *Department regulations: Provided, That none of the funds*
12 *appropriated or made available by this Act may be obli-*
13 *gated on Composite Health Care System acquisition con-*
14 *tracts if such contracts would cause the total life cycle cost*
15 *estimate of \$1,600,000,000 expressed in fiscal year 1986*
16 *constant dollars to be exceeded.*

17 SEC. 8024. Notwithstanding any other provision of
18 law, the Secretary of the Navy may use funds appro-
19 priated to charter ships to be used as auxiliary mine-
20 sweepers providing that the owner agrees that these ships
21 may be activated as Navy Reserve ships with Navy Re-
22 serve crews used in training exercises conducted in accord-
23 ance with law and policies governing Naval Reserve forces:
24 *Provided, That none of the funds appropriated or made*
25 *available in this Act may be used to inactivate, disestab-*

1 lish, or discontinue the Navy's Craft of Opportunity Pro-
2 gram.

3 ~~(140)SEC. 8025.~~ Notwithstanding any other provi-
4 sion of law, the Department shall competitively award con-
5 tracts in fiscal year 1994 for at least four new region-
6 wide, at-risk, fixed price managed care support contracts
7 consistent with the following requirements: (1) each con-
8 tract or acquisition shall reflect the major features of the
9 CHAMPUS Reform Initiative and include provision for
10 the commanders of major military medical centers to par-
11 ticipate as the regional lead agents; (2) each such contract
12 or acquisition shall include a triple option benefit; (3) one
13 similar contract or acquisition shall cover the State of
14 Florida (which may include Department of Veterans Af-
15 fairs' medical facilities with the concurrence of the Sec-
16 retary of Veterans Affairs); (4) one similar contract shall
17 cover the States of Washington and Oregon; (5) each
18 other such contract or acquisition shall include at least
19 one complete State; (6) the managed care support con-
20 tracts for California and Hawaii, Florida, Washington and
21 Oregon shall not be counted for purposes of the required
22 four new contracts of acquisitions; and (7) the Depart-
23 ment shall modify a currently operating CHAMPUS serv-
24 ice contract to include an at-risk managed health care pro-
25 vision, to provide services not later than 90 days after en-

1 actment of this Act, in the area of Homestead Air Force
2 Base, to include the Homestead and South Miami Hos-
3 pitals as institutional providers, with a benefit structure
4 substantially identical to that established in fiscal year
5 1993 for the Carswell, Bergstrom and England Air Force
6 Bases (including a retail pharmacy network available to
7 Medicare-eligible beneficiaries), said provision to remain
8 effective as an interim measure until implementation of
9 the competitive at-risk contract for Florida as required by
10 this section: *Provided further*, That none of the funds ap-
11 propriated, or otherwise made available to the Department
12 of Defense, by this or any other Act of Congress, shall
13 be used to implement or administer any changes to the
14 operating CHAMPUS Reform Initiative-like contracts un-
15 less the scope of benefits and program management struc-
16 ture are consistent with the basic CHAMPUS Reform Ini-
17 tiative design in operation on January 1, 1993: *Provided*
18 *further*, That any law or regulation of a State or local gov-
19 ernment relating to health insurance, prepaid health
20 plans, or other health care delivery, administration, and
21 financing methods shall be preempted and shall not apply
22 to any contract entered into pursuant to chapter 55 of
23 title 10, United States Code: *Provided further*, That any
24 requirements for the certification of cost effectiveness, ac-
25 cess and quality of any managed health care programs will

1 be construed to require that the certification compare on
 2 a national basis the program to be certified with the stand-
 3 ard CHAMPUS program as determined by the application
 4 of sound actuarial principles: *Provided further, That the*
 5 Department shall competitively award at least two con-
 6 tracts in fiscal year 1994 for stand-alone, at-risk managed
 7 mental health services in high utilization, high-cost areas,
 8 consistent with the management and service delivery fea-
 9 tures in operation in the Contracted Provider Arrange-
 10 ment (CPA) Tidewater Demonstration.

11 *SEC. 8025. None of the funds appropriated by this Act*
 12 *may be used to establish new region-wide, at-risk, fixed*
 13 *price managed care contracts possessing features similar to*
 14 *those of the CHAMPUS Reform Initiative until such time*
 15 *as the Secretary of Defense submits to the Congress a plan*
 16 *to implement a nation-wide managed health care program*
 17 *for the military health services system: Provided, That the*
 18 *program shall include, but not be limited to: (1) a uniform,*
 19 *stabilized benefit structure characterized by a triple option*
 20 *health benefit feature; (2) a regionally-based health care*
 21 *management system; (3) cost minimization incentives in-*
 22 *cluding "gatekeeping" and annual enrollment procedures,*
 23 *capitation budgeting, and at-risk provider contracts; and*
 24 *(4) full and open competition for all managed care support*
 25 *contracts: Provided further, That the implementation of the*

1 *nation-wide managed care military health services system*
2 *shall be completed by September 30, 1996.*

3 SEC. 8026. Funds appropriated or made available in
4 this Act shall be obligated and expended to continue to
5 fully utilize the facilities at the United States Army Engi-
6 neer's Waterways Experiment Station, including the con-
7 tinued availability of the supercomputer capability: *Pro-*
8 *vided*, That none of the funds in this Act may be used
9 to purchase any supercomputer which is not manufactured
10 in the United States, unless the Secretary of Defense cer-
11 tifies to the Armed Services and Appropriations Commit-
12 tees of Congress that such an acquisition must be made
13 in order to acquire capability for national security pur-
14 poses that is not available from United States manufactur-
15 ers.

16 SEC. 8027. For the purposes of the Balanced Budget
17 and Emergency Deficit Control Act of 1985 (Public Law
18 99-177) as amended by the Balanced Budget and Emer-
19 gency Deficit Control Reaffirmation Act of 1987 (Public
20 Law 100-119) and by the Budget Enforcement Act of
21 1990 (Public Law 101-508), the term program, project,
22 and activity for appropriations contained in this Act shall
23 be defined as the most specific level of budget items identi-
24 fied in the Department of Defense Appropriations Act,
25 1994, the accompanying House and Senate Committee re-

1 ports, the conference report and accompanying joint ex-
 2 planatory statement of the managers of the Committee of
 3 Conference, the related classified annexes and reports, and
 4 the P-1 and R-1 budget justification documents as subse-
 5 quently modified by Congressional action: *Provided*, That
 6 the following exception to the above definition shall apply:

7 For the Military Personnel and the Operation and
 8 Maintenance accounts, the term “program, project, and
 9 activity” is defined as the appropriations accounts con-
 10 tained in the Department of Defense Appropriations Act:
 11 *Provided further*, That at the time the President submits
 12 his budget for fiscal year 1995, the Department of De-
 13 fense shall transmit to the Committees on Appropriations
 14 and the Committees on Armed Services of the Senate and
 15 the House of Representatives a budget justification docu-
 16 ment to be known as the “O-1” which shall identify, at
 17 the budget activity, activity group, and subactivity group
 18 level, the amounts requested by the President to be appro-
 19 priated to the Department of Defense for operation and
 20 maintenance in any budget request, or amended budget
 21 request, for fiscal year 1995.

22 ~~(141)SEC. 8028.~~ Of the funds appropriated to the
 23 Army, \$217,600,000 shall be available only for the Re-
 24 serve Component Automation System (RCAS): *Provided*,
 25 That none of these funds can be expended—

1 (1) except as approved by the Chief of the Na-
2 tional Guard Bureau;

3 (2) unless RCAS resource management func-
4 tions are performed by the National Guard Bureau;

5 (3) to pay the salary of an RCAS program
6 manager who has not been selected and approved by
7 the Chief of the National Guard Bureau and char-
8 tered by the Chief of the National Guard Bureau
9 and the Secretary of the Army;

10 (4) unless the Program Manager (PM) charter
11 makes the PM accountable to the Chief of the Na-
12 tional Guard Bureau and fully defines his authority,
13 responsibility, reporting channels and organizational
14 structure;

15 (5) to pay the salaries of individuals assigned to
16 the RCAS program management office unless such
17 organization is comprised of personnel chosen jointly
18 by the Chiefs of the National Guard Bureau and the
19 Army Reserve;

20 (6) to pay contracted costs for the acquisition
21 of RCAS unless RCAS is an integrated system con-
22 sisting of software, hardware, and communications
23 equipment and unless such contract continues to
24 preclude the use of Government furnished equip-

1 ment, operating systems, and executive and applica-
2 tions software; and

3 (7) unless RCAS performs its own classified in-
4 formation processing: *Provided further,* That not-
5 withstanding any other provision of law, none of the
6 funds appropriated shall be available for procure-
7 ment of computers for the Army Reserve Component
8 which are used to network or expand the capabilities
9 of existing or future information systems or dupli-
10 cate functions to be provided under the RCAS con-
11 tract unless the procurement meets the following cri-
12 teria: (A) only RCAS automated data processing
13 (ADP) equipment may be procured and only in the
14 numbers and types allocated by the RCAS program
15 to each site; (B) the requesting organizational ele-
16 ment has no computer for stand-alone office auto-
17 mation usage; (C) replacement equipment will not
18 exceed the minimum required to maintain the reli-
19 ability of existing capabilities; (D) replacements will
20 be justified solely on the cost and feasibility of re-
21 pairs and maintenance of present ADP equipment as
22 compared to the cost of replacement; and (E) the
23 procurement is recommended by both the Chief of
24 the respective Reserve Component and the Chief of
25 the National Guard Bureau, and approved by the

1 Functional Proponent in the Department of De-
2 fense.

3 *SEC. 8028. None of the funds appropriated or other-*
4 *wise made available by this Act may be obligated or ex-*
5 *pende for development or procurement of any automated*
6 *Computer Aided Logistics system unless specific approval*
7 *for such system is provided in writing to the Committees*
8 *on Appropriations and Armed Services of the House and*
9 *Senate by the Deputy Under Secretary of Defense (Logis-*
10 *tics) at least 30 days prior to any contract solicitation.*

11 **(142)**~~SEC. 8029.~~ None of the funds in this Act may
12 be available for the purchase by the Department of De-
13 fense (and its departments and agencies) of welded ship-
14 board anchor and mooring chain 4 inches in diameter and
15 under unless the anchor and mooring chain are manufac-
16 tured in the United States from components which are
17 substantially manufactured in the United States: *Pro-*
18 ~~vided~~, That for the purpose of this section manufactured
19 will include cutting, heat treating, quality control, testing
20 of chain and welding (including the forging and shot blast-
21 ing process): *Provided further*, That for the purpose of this
22 section substantially all of the components of anchor and
23 mooring chain shall be considered to be produced or manu-
24 factured in the United States if the aggregate cost of the
25 components produced or manufactured in the United

1 States exceeds the aggregate cost of the components pro-
 2 duced or manufactured outside the United States: *Pro-*
 3 *vided further,* That when adequate domestic supplies are
 4 not available to meet Department of Defense requirements
 5 on a timely basis, the Secretary of the service responsible
 6 for the procurement may waive this restriction on a case-
 7 by-case basis by certifying in writing to the Committees
 8 on Appropriations that such an acquisition must be made
 9 in order to acquire capability for national security pur-
 10 poses.

11 *SEC. 8029. Notwithstanding any other provision of*
 12 *law, none of the funds appropriated in this Act may be*
 13 *used to purchase, install, replace, or otherwise repair any*
 14 *lock on a safe or security container which protects informa-*
 15 *tion critical to national security or any other classified ma-*
 16 *terials and which has not been certified as passing the secu-*
 17 *rity lock specifications contained in regulation FF-L-2740*
 18 *dated October 12, 1989, and has not passed all testing cri-*
 19 *teria and procedures established through February 28,*
 20 *1992.*

21 **(143)(TRANSFER OF FUNDS)**

22 ~~SEC. 8030.~~ Notwithstanding any other provision of
 23 law, the Department of Defense may transfer prior year,
 24 unobligated balances and funds appropriated in this Act
 25 to the operation and maintenance appropriations for the

1 purpose of providing military technician and Department
2 of Defense medical personnel pay and medical programs
3 (including CHAMPUS) the same exemption from seques-
4 tration set forth in the Balanced Budget and Emergency
5 Deficit Control Act of 1985 (Public Law 99-177) as
6 amended by the Balanced Budget and Emergency Deficit
7 Control Reaffirmation Act of 1987 (Public Law 100-119)
8 and by the Budget Enforcement Act of 1990 (Public Law
9 101-508) as that granted the other military personnel ac-
10 counts: *Provided*, That any transfer made pursuant to any
11 use of the authority provided by this provision shall be
12 limited so that the amounts reprogrammed to the oper-
13 ation and maintenance appropriations do not exceed the
14 amounts sequestered under the Balanced Budget and
15 Emergency Deficit Control Act of 1985 (Public Law 99-
16 177) as amended by the Balanced Budget and Emergency
17 Deficit Control Reaffirmation Act of 1987 (Public Law
18 100-119) and by the Budget Enforcement Act of 1990
19 (Public Law 101-508): *Provided further*, That the author-
20 ity to make transfers pursuant to this section is in addi-
21 tion to the authority to make transfers under other provi-
22 sions of this Act: *Provided further*, That the Secretary of
23 Defense may proceed with such transfer after notifying
24 the Appropriations Committees of the House of Rep-
25 resentatives and the Senate twenty calendar days in ses-

1 sion before any such transfer of funds under this
2 provision.

3 *SEC. 8030. None of the funds available to the Depart-*
4 *ment of the Navy may be used to enter into any contract*
5 *for the overhaul, repair, or maintenance of any naval vessel*
6 *homeported on the West Coast of the United States which*
7 *includes charges for interport differential as an evaluation*
8 *factor for award.*

9 SEC. 8031. None of the funds appropriated by this
10 Act available for the Civilian Health and Medical Program
11 of the Uniformed Services (CHAMPUS) shall be available
12 for the reimbursement of any health care provider for in-
13 patient mental health service for care received when a pa-
14 tient is referred to a provider of inpatient mental health
15 care or residential treatment care by a medical or health
16 care professional having an economic interest in the facil-
17 ity to which the patient is referred: *Provided*, That this
18 limitation does not apply in the case of inpatient mental
19 health services provided under the program for the handi-
20 capped under subsection (d) of section 1079 of title 10,
21 United States Code, provided as partial hospital care, or
22 provided pursuant to a waiver authorized by the Secretary
23 of Defense because of medical or psychological cir-
24 cumstances of the patient that are confirmed by a health
25 professional who is not a Federal employee after a review,

1 pursuant to rules prescribed by the Secretary, which takes
2 into account the appropriate level of care for the patient,
3 the intensity of services required by the patient, and the
4 availability of that care.

5 SEC. 8032. All new Department of Defense procure-
6 ments shall separately identify software costs in the work
7 breakdown structure defined by MIL-STD-881 in those
8 instances where software is considered to be a major cat-
9 egory of cost.

10 SEC. 8033. During the current fiscal year and there-
11 after, of the funds appropriated, reimbursable expenses in-
12 curred by the Department of Defense on behalf of the So-
13 viet Union or its successor entities in monitoring United
14 States implementation of the Treaty Between the United
15 States of America and the Union of Soviet Socialist Re-
16 publics on the Elimination of Their Intermediate-Range
17 or Shorter-Range Missiles (“INF Treaty”), concluded De-
18 cember 8, 1987, may be treated as orders received and
19 obligation authority for the applicable appropriation, ac-
20 count, or fund increased accordingly. Likewise, any reim-
21 bursements received for such costs may be credited to the
22 same appropriation, account, or fund to which the ex-
23 penses were charged: *Provided*, That reimbursements
24 which are not received within one hundred and eighty days
25 after submission of an appropriate request for payment

1 shall be subject to interest at the current rate established
2 pursuant to section 2(b)(1)(B) of the Export-Import Bank
3 Act of 1945 (59 Stat. 526). Interest shall begin to accrue
4 on the one hundred and eighty-first day following submis-
5 sion of an appropriate request for payment: *Provided fur-*
6 *ther*, That funds appropriated in this Act may be used to
7 reimburse United States military personnel for reasonable
8 costs of subsistence, at rates to be determined by the Sec-
9 retary of Defense, incurred while accompanying Soviet In-
10 spection Team members or inspection team members of
11 the successor entities of the Soviet Union engaged in ac-
12 tivities related to the INF Treaty: *Provided further*, That
13 this provision includes only the in-country period (referred
14 to in the INF Treaty) and is effective whether such duty
15 is performed at, near, or away from an individual's perma-
16 nent duty station.

17 SEC. 8034. Funds available in this Act may be used
18 to provide transportation for the next-of-kin of individuals
19 who have been prisoners of war or missing in action from
20 the Vietnam era to an annual meeting in the United
21 States, under such regulations as the Secretary of Defense
22 may prescribe.

23 ~~(144)~~SEC. 8035. None of the funds available in this
24 Act to the Department of Defense or Navy shall be obli-
25 gated or expended for ~~(or to implement)~~ automatic data

1 processing, data processing center, central design activity,
2 DMRD 918, defense information infrastructure, military
3 or civilian personnel and finance and accounting function
4 consolidation plans, consolidations, and disestablishment
5 or realignment plans that impact, in terms of reductions
6 in force or transfers in military and civilian personnel, end
7 strength, billets, functions, or missions, the Enlisted Per-
8 sonnel Management Center, the Naval Computer and
9 Telecommunications Station and Defense Accounting Of-
10 fice, New Orleans, and the Naval Reserve Personnel Cen-
11 ter and related missions, functions, and commands until
12 sixty legislative days after the Secretary of Defense sub-
13 mits to the House and Senate Committees on Appropria-
14 tions a report, including complete review comments and
15 a certification, by both the Secretary of Defense and the
16 Comptroller General, justifying and certifying that such
17 plans and actions: (1) do not consolidate, plan to consoli-
18 date, disestablish or realign Department of Defense or
19 Service data processing functions or centers, central de-
20 sign activities, finance and accounting or military and ci-
21 vilian personnel functions and activities, or claim savings
22 from such function and activity consolidations and dis-
23 establishment, realignment, or consolidation plans, that
24 are in more than one defense management report plan or
25 decision or any other Department of Defense or Service

1 consolidation, disestablishment, or realignment plan; (2)
 2 utilize criteria primarily weighted to evaluate, measure,
 3 and compare how data processing centers, central design
 4 activities, financing and accounting and military and civil-
 5 ian personnel functions and activities are ranked in terms
 6 of operational readiness, customer satisfaction, and the
 7 most cost effective and least expensive from a business
 8 performance, and regional operations cost standpoint; (3)
 9 will provide equal or better service for DOD customers;
 10 (4) will not adversely impact the quality of life and bene-
 11 fits of the individual service person, dependents, and civil-
 12 ian personnel; and (5) will not adversely impact the mis-
 13 sion and readiness of the Navy and Naval Reserves: *Pro-*
 14 *vided*, That none of the provisions in this section shall,
 15 in any way, affect the implementation of the Defense Base
 16 Closure and Realignment Commission recommendations.

17 **(145)** *SEC. 8035. Such sums as may be necessary for*
 18 *fiscal year 1994 pay raises for programs funded by this*
 19 *Act shall be derived from funds within the amounts appro-*
 20 *priated in this Act.*

21 **SEC. 8036.** Notwithstanding any other provision of
 22 law, during the current fiscal year, the Secretary of De-
 23 fense may, by Executive Agreement, establish with host
 24 nation governments in NATO member states a separate
 25 account into which such residual value amounts negotiated

1 in the return of United States military installations in
2 NATO member states may be deposited, in the currency
3 of the host nation, in lieu of direct monetary transfers to
4 the United States Treasury: *Provided*, That such credits
5 may be utilized only for the construction of facilities to
6 support United States military forces in that host nation,
7 or such real property maintenance and base operating
8 costs that are currently executed through monetary trans-
9 fers to such host nations: *Provided further*, That the De-
10 partment of Defense's budget submission for fiscal year
11 1995 shall identify such sums anticipated in residual value
12 settlements, and identify such construction, real property
13 maintenance or base operating costs that shall be funded
14 by the host nation through such credits: *Provided further*,
15 That all military construction projects to be executed from
16 such accounts must be previously approved in a prior Act
17 of Congress: *Provided further*, That each such Executive
18 Agreement with a NATO member host nation shall be re-
19 ported to the Committees on Appropriations and Armed
20 Services of the House of Representatives and the Senate
21 thirty days prior to the conclusion and endorsement of any
22 such agreement established under this provision.

23 SEC. 8037. All obligations incurred in anticipation of
24 the appropriations and authority provided in this Act are

1 hereby ratified and confirmed if otherwise in accordance
2 with the provisions of this Act.

3 SEC. 8038. None of the funds available to the De-
4 partment of Defense in this Act shall be used to demili-
5 tarize or dispose of more than 310,784 unserviceable M1
6 Garand rifles and M1 Carbines.

7 SEC. 8039. Notwithstanding any other provision of
8 law, none of the funds appropriated by this Act shall be
9 available to pay more than 50 percent of an amount paid
10 to any person under section 308 of title 37, United States
11 Code, in a lump sum.

12 SEC. 8040. None of the funds appropriated by this
13 Act may be used by the Department of Defense to assign
14 a supervisor's title or grade when the number of people
15 he or she supervises is considered as a basis for this deter-
16 mination: *Provided*, That savings that result from this
17 provision are represented as such in future budget
18 proposals.

19 SEC. 8041. Of the funds appropriated by this Act,
20 no more than \$18,500,000 shall be available for the men-
21 tal health care demonstration project at Fort Bragg,
22 North Carolina: *Provided*, That adjustments may be made
23 for normal and reasonable price and program growth.

24 SEC. 8042. None of the funds appropriated by this
25 Act may be used to pay health care providers under the

1 Civilian Health and Medical Program of the Uniformed
2 Services (CHAMPUS) for services determined under the
3 CHAMPUS Peer Review Organization (PRO) Program to
4 be not medically or psychologically necessary. The Sec-
5 retary of Defense may by regulation adopt any quality and
6 utilization review requirements and procedures in effect
7 for the Peer Review Organization Program under title
8 XVIII of the Social Security Act (Medicare) that the Sec-
9 retary determines necessary, and may adapt the Medicare
10 requirements and procedures to the circumstances of the
11 CHAMPUS PRO Program as the Secretary determines
12 appropriate.

13 SEC. 8043. None of the funds appropriated by this
14 Act shall be available for payments under the Department
15 of Defense contract with the Louisiana State University
16 Medical Center involving the use of cats for Brain Missile
17 Wound Research, and the Department of Defense shall
18 not make payments under such contract from funds obli-
19 gated prior to the date of the enactment of this Act, except
20 as necessary for costs incurred by the contractor prior to
21 the enactment of this Act, and until thirty legislative days
22 after the final General Accounting Office report on the
23 aforesaid contract is submitted for review to the Commit-
24 tees on Appropriations of the House of Representatives

1 and the Senate: *Provided*, That funds necessary for the
2 care of animals covered by this contract are allowed.

3 SEC. 8044. None of the funds provided in this Act
4 or any other Act shall be available to conduct bone trauma
5 research at ~~(146)~~the Letterman Army Institute of Re-
6 search ~~any Army Research Laboratory~~ until the Secretary
7 of the Army certifies that the synthetic compound to be
8 used in the experiments is of such a type that its use will
9 result in a significant medical finding, the research has
10 military application, the research will be conducted in ac-
11 cordance with the standards set by an animal care and
12 use committee, and the research does not duplicate re-
13 search already conducted by a manufacturer or any other
14 research organization.

15 SEC. 8045. The Secretary of Defense shall include
16 in any base closure and realignment plan submitted to
17 Congress after the date of enactment of this Act, a com-
18 plete review for the five-year period beginning on Octo-
19 ber 1, 1993, which shall include expected force structure
20 and levels for such period, expected installation require-
21 ments for such period, a budget plan for such period, the
22 cost savings expected to be realized through realignments
23 and closures of military installations during such period,
24 an economics model to identify the critical local economic
25 sectors affected by proposed closures and realignments of

1 military installations and an assessment of the economic
2 impact in each area in which a military installation is to
3 be realigned or closed.

4 ~~(147)SEC. 8046. No more than \$50,000 of the funds~~
5 ~~appropriated or made available in this Act shall be used~~
6 ~~for any single relocation of an organization, unit, activity~~
7 ~~or function of the Department of Defense into or within~~
8 ~~the National Capital Region: *Provided*, That the Secretary~~
9 ~~of Defense may waive this restriction on a case-by-case~~
10 ~~basis by certifying in writing to the Committees on Appro-~~
11 ~~priations of the House of Representatives and Senate that~~
12 ~~such a relocation is required in the best interest of the~~
13 ~~Government: *Provided further*, That no funds appropriated~~
14 ~~or made available in this Act shall be used for the reloca-~~
15 ~~tion into the National Capital Region of the Air Force Of-~~
16 ~~fice of Medical Support located at Brooks Air Force Base.~~

17 ~~SEC. 8046. Notwithstanding any other provision of~~
18 ~~law, each contract awarded by the Department of Defense~~
19 ~~in fiscal year 1994 for construction or service performed~~
20 ~~in whole or in part in a State which is not contiguous with~~
21 ~~another State and has an unemployment rate in excess of~~
22 ~~the national average rate of unemployment as determined~~
23 ~~by the Secretary of Labor shall include a provision requir-~~
24 ~~ing the contractor to employ, for the purpose of performing~~
25 ~~that portion of the contract in such State that is not contig-~~

1 uous with another State, individuals who are residents of
2 such State and who, in the case of any craft or trade, pos-
3 sess or would be able to acquire promptly the necessary
4 skills: Provided, That the Secretary of Defense may waive
5 the requirements of this section in the interest of national
6 security.

7 SEC. 8047. During the current fiscal year, funds ap-
8 propriated or otherwise available for any Federal agency,
9 the Congress, the judicial branch, or the District of Co-
10 lumbia may be used for the pay, allowances, and benefits
11 of an employee as defined by section 2105 of title 5 or
12 an individual employed by the government of the District
13 of Columbia, permanent or temporary indefinite, who—

14 (1) is a member of a Reserve component of the
15 armed forces, as described in section 261 of title 10,
16 or the National Guard, as described in section 101
17 of title 32;

18 (2) performs, for the purpose of providing mili-
19 tary aid to enforce the law or providing assistance
20 to civil authorities in the protection or saving of life
21 or property or prevention of injury—

22 (A) Federal service under section 331,
23 332, 333, 3500, or 8500 of title 10, or other
24 provision of law, as applicable, or

1 (B) full-time military service for his State,
2 the District of Columbia, the Commonwealth of
3 Puerto Rico, or a territory of the United States;
4 and

5 (3) requests and is granted—

6 (A) leave under the authority of this sec-
7 tion; or

8 (B) annual leave, which may be granted
9 without regard to the provisions of sections
10 5519 and 6323(b) of title 5, if such employee
11 is otherwise entitled to such annual leave:

12 *Provided*, That any employee who requests leave under
13 subsection (3)(A) for service described in subsection (2)
14 of this section is entitled to such leave, subject to the pro-
15 visions of this section and of the last sentence of section
16 6323(b) of title 5, and such leave shall be considered leave
17 under section 6323(b) of title 5.

18 SEC. 8048. None of the funds appropriated by this
19 Act shall be available to perform any cost study pursuant
20 to the provisions of OMB Circular A-76 if the study being
21 performed exceeds a period of twenty-four months after
22 initiation of such study with respect to a single function
23 activity or forty-eight months after initiation of such study
24 for a multi-function activity.

1 SEC. 8049. Funds appropriated by this Act for the
2 American Forces Information Service shall not be used for
3 any national or international political or psychological ac-
4 tivities.

5 SEC. 8050. Notwithstanding any other provision of
6 law or regulation, the Secretary of Defense may adjust
7 wage rates for civilian employees hired for certain health
8 care occupations as authorized for the Secretary of Veter-
9 ans Affairs by section 7455 of title 38, United States
10 Code.

11 ~~(148)SEC. 8051.~~ During the current fiscal year,
12 ~~none of the funds appropriated in this Act may be used~~
13 ~~to reduce the military or civilian medical and medical sup-~~
14 ~~port personnel end strength as of September 30, 1993,~~
15 ~~as defined by section 711(c) of Public Law 101-510: *Pro-*~~
16 ~~*vided,* That none of the funds appropriated in this Act~~
17 ~~may be used to reduce the military or civilian medical and~~
18 ~~medical support personnel end strength at a base under-~~
19 ~~going a partial closure or realignment, where more than~~
20 ~~one joint command is located, below the September 30,~~
21 ~~1991 level.~~

22 *SEC. 8051. Notwithstanding any other provision of*
23 *law, a qualified Indian Tribal or Alaska Native Corpora-*
24 *tion which enters into a joint venture with a qualified small*
25 *business concern shall not be denied the opportunity to com-*

1 *pete for and be awarded a procurement contract to supply*
2 *a product under the program provided for by section 2323*
3 *of title 10, United States Code, solely because the Indian*
4 *Tribal or Alaska Native Corporation is not the actual man-*
5 *ufacturer or processor of the product to be supplied.*

6 SEC. 8052. Of the funds made available in this Act,
7 not less than ~~(149)\$11,679,000~~ \$10,596,000 shall be
8 available for the Civil Air Patrol, of which
9 ~~(150)\$4,642,000~~ \$4,471,000 shall be available for
10 Operation and Maintenance.

11 SEC. 8053. None of the funds appropriated or made
12 available in this Act shall be used to reduce or disestablish
13 the operation of the 815th Weather Squadron of the Air
14 Force Reserve, if such action would reduce the WC-130
15 Weather Reconnaissance mission below the levels funded
16 in this Act.

17 SEC. 8054. During the current fiscal year, with-
18 drawal credits may be made by the Defense Business Op-
19 erations Fund to the credit of current applicable appro-
20 priations of an activity of the Department of Defense in
21 connection with the acquisition by that activity of supplies
22 that are repairable components which are repairable at a
23 repair depot and that are capitalized into the Defense
24 Business Operations Fund as the result of management
25 changes concerning depot level repairable assets charged

1 to an activity of the Department of Defense which is a
2 customer of the Defense Business Operations Fund that
3 became effective on April 1, 1992.

4 SEC. 8055. (a) Of the funds for the procurement of
5 supplies or services appropriated by this Act, qualified
6 nonprofit agencies for the blind or other severely handi-
7 capped shall be afforded the maximum practicable oppor-
8 tunity to participate as subcontractors and suppliers in the
9 performance of contracts let by the Department of De-
10 fense.

11 (b) During the current fiscal year, a business concern
12 which has negotiated with a military service or defense
13 agency a subcontracting plan for the participation by
14 small business concerns pursuant to section 8(d) of the
15 Small Business Act (15 U.S.C. 637(d)) shall be given
16 credit toward meeting that subcontracting goal for any
17 purchases made from qualified nonprofit agencies for the
18 blind or other severely handicapped.

19 (c) For the purpose of this section, the phrase “quali-
20 fied nonprofit agency for the blind or other severely handi-
21 capped” means a nonprofit agency for the blind or other
22 severely handicapped that has been approved by the Com-
23 mittee for the Purchase from the Blind and Other Severely
24 Handicapped under the Javits-Wagner-O’Day Act (41
25 U.S.C. 46–48).

1 ~~(151)SEC. 8056.~~ During the current fiscal year and
2 thereafter, there is established, under the direction and
3 control of the Attorney General, the National Drug Intel-
4 ligence Center, whose mission it shall be to coordinate and
5 consolidate drug intelligence from all national security and
6 law enforcement agencies, and produce information re-
7 garding the structure, membership, finances, communica-
8 tions, and activities of drug trafficking organizations: *Pro-*
9 *vided,* That funding for the operation of the National
10 Drug Intelligence Center, including personnel costs associ-
11 ated therewith, shall be provided from the funds appro-
12 priated to the Department of Defense.

13 *SEC. 8056. Notwithstanding any other provision of*
14 *law, in addition to the funds made available elsewhere in*
15 *this Act to the Department of the Navy, \$60,000,000 to re-*
16 *main available until expended, shall be made available only*
17 *for obligations incurred in the conveyance, clean-up, and*
18 *restoration of Kaho'olawe Island.*

19 SEC. 8057. During the current fiscal year and there-
20 after, the Navy may provide notice to exercise options
21 under the LEASAT program for the next fiscal year, in
22 accordance with the terms of the Aide Memoire, dated
23 January 5, 1981, as amended by the Aide Memoire dated
24 April 30, 1986, and as implemented in the LEASAT con-
25 tract.

1 SEC. 8058. During the current fiscal year, net re-
 2 cepts pursuant to collections from third party payers pur-
 3 suant to section 1095 of title 10, United States Code, shall
 4 be made available to the local facility of the uniformed
 5 services responsible for the collections and shall be over
 6 and above the facility's direct budget amount.

7 ~~(152)SEC. 8059. None of the funds in this Act shall~~
 8 ~~be obligated for the procurement of Multibeam Sonar~~
 9 ~~Mapping Systems, and supporting software, not engi-~~
 10 ~~neered and manufactured in the United States: *Provided,*~~
 11 ~~That the Secretary of the military department responsible~~
 12 ~~for such procurement may waive this restriction on a case-~~
 13 ~~by-case basis by certifying in writing to the Committees~~
 14 ~~on Appropriations of the House of Representatives and the~~
 15 ~~Senate that adequate domestic supplies are not available~~
 16 ~~to meet Department of Defense requirements on a timely~~
 17 ~~basis and that such an acquisition must be made in order~~
 18 ~~to acquire capability for national security purposes.~~

19 *SEC. 8059. Of the funds made available by this Act*
 20 *in title III, Procurement, \$8,000,000, drawn pro rata from*
 21 *each appropriations account in title III, shall be available*
 22 *for incentive payments authorized by section 504 of the In-*
 23 *dian Financing Act of 1974, 25 U.S.C. 1544. These pay-*
 24 *ments shall be available only to contractors which have sub-*
 25 *mitted subcontracting plans pursuant to 15 U.S.C.*

1 637(d)(4)(B), and according to regulations which shall be
2 promulgated by the Secretary of Defense within 90 days
3 of the passage of this Act.

4 SEC. 8060. During the current fiscal year and there-
5 after, notwithstanding any other provision of law, the De-
6 partment of Defense is hereby authorized to develop and
7 procure the LANDSAT 7 vehicle.

8 SEC. 8061. None of the funds appropriated in this
9 Act may be used to fill the commander's position at any
10 military medical facility with a health care professional
11 unless the prospective candidate can demonstrate profes-
12 sional administrative skills.

13 SEC. 8062. Of the funds appropriated by this Act for
14 the Defense Health Program, notwithstanding any other
15 provision of law, the amount payable for services provided
16 under this section shall not be less than the amount cal-
17 culated under the coordination of benefits reimbursement
18 formula utilized when CHAMPUS is a secondary payor
19 to medical insurance programs other than Medicare, and
20 ~~such appropriations as necessary, \$20,000,000,~~ shall
21 be available (notwithstanding the last sentence of section
22 1086(c) of title 10, United States Code) to continue Civil-
23 ian Health and Medical Program of the Uniformed Serv-
24 ices (CHAMPUS) benefits, until age 65, under such sec-
25 tion for a former member of a uniformed service who is

1 entitled to retired or retainer pay or equivalent pay, or
2 a dependent of such a member, or any other beneficiary
3 described by section 1086(c) of title 10, United States
4 Code, who becomes eligible for hospital insurance benefits
5 under part A of title XVIII of the Social Security Act (42
6 U.S.C. 1395 et seq.) solely on the grounds of physical dis-
7 ability, or end stage renal disease: *Provided*, That expenses
8 under this section shall only be covered to the extent that
9 such expenses are not covered under parts A and B of
10 title XVIII of the Social Security Act and are otherwise
11 covered under CHAMPUS: *Provided further*, That no re-
12 imbursement shall be made for services provided prior to
13 October 1, 1991.

14 SEC. 8063. During the current fiscal year, the Sec-
15 retary of Defense may accept burdensharing contributions
16 in the form of money from Japan, the Republic of Korea,
17 and the State of Kuwait for the costs of local national
18 employees, supplies, and services of the Department of De-
19 fense to be credited to applicable Department of Defense
20 operation and maintenance appropriations available for
21 the salaries and benefits of national employees of Japan,
22 the Republic of Korea, and the State of Kuwait, supplies,
23 and services to be merged with and to be available for the
24 same purposes and time period as those appropriations to
25 which credited: *Provided*, That not later than 30 days

1 after the end of each quarter of the fiscal year, the Sec-
2 retary of Defense shall submit to the Congress a report
3 of contributions accepted by the Secretary under this pro-
4 vision during the preceding quarter.

5 SEC. 8064. (a) Funds appropriated in this Act to fi-
6 nance activities of Department of Defense (DOD) Feder-
7 ally Funded Research and Development Centers
8 (FFRDCs) may not be obligated or expended for an
9 FFRDC if a member of its Board of Directors or Trustees
10 simultaneously serves on the Board of Directors or Trust-
11 ees of a profit-making company under contract to the De-
12 partment of Defense unless the FFRDC has a DOD ap-
13 proved conflict of interest policy for its members.

14 (b) None of the funds appropriated in this Act are
15 available to establish a new FFRDC, either as a new en-
16 tity, or as a separate entity administered by an organiza-
17 tion managing another FFRDC, or as a nonprofit mem-
18 bership corporation consisting of a consortium of other
19 FFRDCs and other nonprofit entities.

20 **(154)** (c) *Notwithstanding any other provision of law,*
21 *of the amounts available to the Department of Defense dur-*
22 *ing fiscal year 1994, not more than \$1,352,650,000 may*
23 *be obligated for financing activities of federally funded re-*
24 *search and development centers.*

1 (d) *The total amount appropriated for research, devel-*
2 *opment, test and evaluation by this Act is hereby reduced*
3 *by \$200,000,000 to reflect the obligation limitation con-*
4 *tained in subsection (c).*

5 ~~(155)~~SEC. 8065. None of the funds appropriated or
6 made available in this Act shall be used to procure carbon,
7 alloy or armor steel plate for use in any Government-
8 owned facility or property under the control of the Depart-
9 ment of Defense which were not melted and rolled in the
10 United States or Canada: *Provided*, That these procure-
11 ment restrictions shall apply to any and all Federal Supply
12 Class 9515, American Society of Testing and Materials
13 (ASTM) or American Iron and Steel Institute (AISI)
14 specifications of carbon, alloy or armor steel plate: *Pro-*
15 *vided further*, That the Secretary of the military depart-
16 ment responsible for the procurement may waive this re-
17 striction on a case-by-case basis by certifying in writing
18 to the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate that adequate domestic sup-
20 plies are not available to meet Department of Defense re-
21 quirements on a timely basis and that such an acquisition
22 must be made in order to acquire capability for national
23 security purposes: *Provided further*, That these restrictions
24 shall not apply to contracts which are in being as of the
25 date of enactment of this Act.

1 SEC. 8066. Notwithstanding any other provision of
2 law, no more than 15 percent of the funds available to
3 the Department of Defense for sealift may be used to ac-
4 quire, directly or indirectly, through charter or purchase,
5 ships constructed in foreign shipyards: *Provided*, That
6 ships acquired as provided above shall be necessary to sat-
7 isfy the shortfalls identified in the Mobility Requirements
8 Study: *Provided further*, That any work required to con-
9 vert foreign built ships acquired as provided above to Unit-
10 ed States Coast Guard and American Bureau of Shipping
11 standards, or conversion to a more useful military configu-
12 ration, must be accomplished in United States domestic
13 shipyards: *Provided further*, That none of the funds shall
14 be used to purchase the following major components:
15 bridge or machinery control systems, or interior commu-
16 nications equipment, auxiliary equipment, including
17 pumps for all shipboard services, propulsion system com-
18 ponents (that is, engines, reduction gears, and propellers),
19 shipboard cranes, and spreaders for shipboard cranes for
20 sealift ships unless the systems or equipment, and their
21 components, are manufactured in the United States: *Pro-*
22 *vided further*, That the Secretary of the military depart-
23 ment responsible for such procurement may waive this re-
24 striction on a case-by-case basis by certifying in writing
25 to the Committees on Appropriations of the House of Rep-

1 representatives and the Senate that adequate domestic sup-
2 plies are not available to meet Department of Defense re-
3 quirements on a timely basis and that such an acquisition
4 must be made in order to acquire capability for national
5 security purposes.

6 *SEC. 8065. None of the funds available to the Depart-*
7 *ment of Defense during the current fiscal year may be obli-*
8 *gated or expended to develop for aircraft or helicopter weap-*
9 *ons systems an airborne instrumentation system for flight*
10 *test data acquisition, or to develop or implement modifica-*
11 *tions to an existing airborne instrumentation system, other*
12 *than the Common Airborne Instrumentation System under*
13 *development in the Central Test and Evaluation Investment*
14 *Development program element funded in the “Developmen-*
15 *tal Test and Evaluation, Defense” appropriations account.*

16 *SEC. 8066. None of the unobligated balances available*
17 *in the National Defense Stockpile Transaction Fund during*
18 *the current fiscal year may be obligated or expended to fi-*
19 *nance any grant or contract to conduct research, develop-*
20 *ment, test and evaluation activities for the development or*
21 *production of advanced materials, unless amounts for such*
22 *purposes are specifically appropriated in a subsequent ap-*
23 *propriations Act.*

24 SEC. 8067. For the purposes of this Act, the term
25 “congressional defense committees” means the Commit-

tees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8068. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8069. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 1994. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term "Buy
20 American Act" means title III of the Act entitled "An
21 Act making appropriations for the Treasury and Post
22 Office Departments for the fiscal year ending June 30,
23 1934, and for other purposes", approved March 3,
24 1933 (41 U.S.C. 10a et seq.).

1 ~~(156)SEC. 8070.~~ (a) Of the funds made available in
2 this Act in title II, Operation and Maintenance, Army,
3 \$5,000,000 shall be available only to execute the cleanup
4 of uncontrolled hazardous waste contamination affecting
5 the Sale Parcel at Hamilton Air Force Base, in Novato,
6 in the State of California.

7 ~~(b)~~ Notwithstanding any other provision of law, in the
8 event that the purchaser of the Sale Parcel exercises its
9 option to withdraw from all or a portion of the sale, as
10 provided in the Agreement and Modification, dated Sep-
11 tember 25, 1990, between the Department of Defense, the
12 General Services Administration, and the purchaser, as
13 amended, the purchaser's deposit of \$4,500,000 shall be
14 returned by the General Services Administration and
15 funds eligible for reimbursement under the Agreement and
16 Modification, as amended, shall come from the funds made
17 available to the Department of Defense by this Act.

18 ~~(c)~~ Notwithstanding any other provision of law, in the
19 event that the purchaser purchases only a portion of the
20 Sale Parcel and exercises its option to withdraw from the
21 sale as to the rest of the Sale Parcel, the portion of the
22 Sale Parcel that is not purchased (other than Landfill 26
23 and an appropriate buffer area around it), together with
24 any of the land referred to in section 9099(e) of Public
25 Law 102-396 that is not purchased by the purchaser,

1 shall be sold to the City of Novato, in the State of Califor-
2 nia, for the sum of One Dollar as a public benefit transfer
3 for school, classroom or other educational use, for use as
4 a public park or recreation area or for further conveyance
5 as provided herein, subject to the following restrictions:
6 (1) if the City sells any portion of such land to any third
7 party within ten years after the transfer to the City, which
8 sale may be made without the foregoing use restrictions,
9 any proceeds received by the City in connection with such
10 sale, minus the demonstrated reasonable costs of conduct-
11 ing the sale and of any improvements made by the City
12 to the land following its acquisition of the land (but only
13 to the extent such improvements increase the value of the
14 portion sold), shall be immediately turned over to the
15 Army in reimbursement of the withdrawal payment made
16 by the Army to the contract purchaser and the costs of
17 cleaning up the Landfill and (2) until one year following
18 completion of the cleanup of contaminated soil in the land-
19 fill and completion of the groundwater treatment facilities,
20 the sale must be at a per-acre price for the portion sold
21 that is at least equal to the per-acre contract price paid
22 by the purchaser for the portion of the Sale Parcel pur-
23 chased under the Agreement and Modification, as amend-
24 ed, and thereafter must be at a price at least equal to
25 the fair market value of the portion sold. The foregoing

1 restrictions shall not apply to a transfer to another public
2 or quasi-public agency for public uses of the kind de-
3 scribed above. The deed to the City shall contain a clause
4 providing that, if any of the proceeds referred to in clause
5 (1) are not delivered to the Army within 30 days after
6 sale, or any portion of the land not sold as provided herein
7 is used for other than educational, park or recreational
8 uses, title to the applicable portion of such land shall re-
9 vert to the United States Government at the election of
10 the General Services Administration. The Army shall
11 agree to deliver into the applicable closing escrow an ac-
12 knowledgement of receipt of any proceeds described in
13 clause (1) above and a release of the reverter right as to
14 the affected land, effective upon such receipt.

15 (d) Notwithstanding any other provision of law, the
16 Air Force shall be reimbursed for expenditures in excess
17 of \$15,000,000 in connection with the total clean-up of
18 uncontrolled hazardous waste contamination on the afore-
19 mentioned Sale Parcel from the proceeds collected upon
20 the closing of any portion of the Sale Parcel purchased
21 by the contract purchaser under the Agreement and Modi-
22 fication, as amended.

23 *SEC. 8070. Notwithstanding any other provision of*
24 *law, any statutorily-required analysis of the impact on the*
25 *defense technology and industrial base of terminations and*

1 *significant reductions of major research and development*
2 *programs and procurement programs of the Department of*
3 *Defense shall address only those actions recommended by*
4 *the Defense Department in its annual budget request and*
5 *amendments thereto, supplemental requests, or proposed re-*
6 *scissions.*

7 SEC. 8071. Notwithstanding any other provision of
8 law, the Secretary of Defense may, when he considers it
9 in the best interest of the United States, cancel any part
10 of an indebtedness, up to \$2,500, that is or was owed to
11 the United States by a member or former member of a
12 uniformed service if such indebtedness, as determined by
13 the Secretary, was incurred in connection with Operation
14 Desert Shield/Storm: *Provided*, That the amount of an in-
15 debtedness previously paid by a member or former mem-
16 ber and cancelled under this section shall be refunded to
17 the member.

18 SEC. 8072. Appropriations contained in this Act that
19 remain available at the end of the current fiscal year as
20 a result of energy cost savings realized by the Department
21 of Defense shall remain available for obligation for the
22 next fiscal year to the extent, and for the purposes, pro-
23 vided in section 2865 of title 10, United States Code.

24 SEC. 8073. During the current fiscal year, voluntary
25 separation incentives payable under 10 U.S.C. 1175 may

1 be paid in such amounts as are necessary from the assets
2 of the Voluntary Separation Incentive Fund established by
3 section 1175(h)(1).

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8074. Amounts deposited during fiscal years
6 1993 and 1994 to the special account established under
7 40 U.S.C. 485(h)(2) and to the special account established
8 under 10 U.S.C. 2667(d)(1) are appropriated and shall
9 be available until transferred by the Secretary of Defense
10 to current applicable appropriations or funds of the De-
11 partment of Defense under the terms and conditions speci-
12 fied by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
13 2667(d)(1)(B), to be merged with and to be available for
14 the same time period and the same purposes as the appro-
15 priation to which transferred.

16 ~~(157)SEC. 8075. In order to maintain an electric~~
17 ~~furnace capacity in the United States, preference for the~~
18 ~~purchase of chromite ore and manganese ore authorized~~
19 ~~for disposal from the National Defense Stockpile shall be~~
20 ~~given to domestic producers of high carbon ferrochromium~~
21 ~~and high carbon ferromanganese—~~

22 ~~(A) whose primary output during the three pre-~~
23 ~~ceding years has been ferrochromium or~~
24 ~~ferromanganese; and~~

25 ~~(B) who guarantee to use the chromite and~~
26 ~~manganese ore for domestic purposes.~~

1 *SEC. 8075. None of the funds in this or any other Act*
2 *shall be available for the preparation of studies on—*

3 *(a) the feasibility of removal and transportation*
4 *of unitary chemical weapons from the eight chemical*
5 *storage sites within the continental United States:*
6 *Provided, That this prohibition shall not apply to*
7 *non-stockpile material in the United States or to*
8 *studies needed for environmental analysis required by*
9 *the National Environmental Policy Act; and*

10 *(b) the potential future uses of the nine chemical*
11 *disposal facilities other than for the destruction of*
12 *stockpile chemical munitions and as limited by sec-*
13 *tion 1412(c)(2), Public Law 99–145: Provided, That*
14 *this prohibition does not apply to future use studies*
15 *for the CAMDS facility at Tooele, Utah.*

16 **SEC. 8076.** During the current fiscal year, none of
17 the funds available to the Department of Defense may be
18 used to procure or acquire (1) defensive handguns or de-
19 fensive handgun ammunition unless such handguns or
20 handgun ammunition are the M9 9mm Department of De-
21 fense standard handgun or ammunition for such hand-
22 guns, or (2) offensive handguns and ammunition except
23 for the Special Operations Forces.

24 **SEC. 8077.** During the current fiscal year, appropria-
25 tions available to the Department of Defense may be used

1 to reimburse a member of a reserve component of the
2 Armed Forces who is not otherwise entitled to travel and
3 transportation allowances and who occupies transient gov-
4 ernment housing while performing active duty for training
5 or inactive duty training: *Provided*, That such members
6 may be provided lodging in kind if transient government
7 quarters are unavailable as if the member was entitled to
8 such allowances under subsection (a) of section 404 of title
9 37, United States Code: *Provided further*, That if lodging
10 in kind is provided, any authorized service charge or cost
11 of such lodging may be paid directly from funds appro-
12 priated for operation and maintenance of the reserve com-
13 ponent of the member concerned.

14 SEC. 8078. For fiscal year 1994, the total amount
15 appropriated to fund the Uniformed Services Treatment
16 Facilities program, operated pursuant to section 911 of
17 Public Law 97-99 (42 U.S.C. 248c), is limited to
18 \$291,000,000, of which not more than \$265,000,000 may
19 be provided by the funds appropriated by this Act.

20 SEC. 8079. None of the funds available in this Act
21 may be used to support in any manner, including travel
22 or other related expenses, the “Tailhook Association”:
23 *Provided*, That investigations by the Secretary of the Navy
24 or consultation with the Tailhook Association are not pro-
25 hibited by this provision.

1 SEC. 8080. During the current fiscal year and there-
2 after, from funds available to the Department of Defense,
3 the Director of the Air National Guard shall operate a
4 Command, Control, Communications and Intelligence
5 planning office manned by three full-time Air Guard offi-
6 cers in the rank of O-6, O-5, and O-4: *Provided*, That
7 these officers shall be in addition to the strengths author-
8 ized in section 524 of title 10, United States Code.

9 SEC. 8081. None of the funds appropriated in this
10 Act or made available to the Department of Defense and
11 deposited into the Pentagon Reservation Maintenance Re-
12 volving Fund may be used for the purpose of constructing
13 a Pentagon Maintenance ~~(158)~~Facility, *Facility* or a Lo-
14 gistics Support Extension ~~(159)~~, ~~or any other building~~
15 ~~not an integral part of the present Pentagon building~~.

16 SEC. 8082. The President shall include with each
17 budget for a fiscal year submitted to the Congress under
18 section 1105 of title 31, United States Code, materials
19 that shall identify clearly and separately the amounts re-
20 quested in the budget for appropriation for that fiscal year
21 for salaries and expenses related to administrative activi-
22 ties of the Department of Defense, the military
23 departments, and the Defense Agencies.

24 ~~(160)~~SEC. 8083. None of the funds available to the
25 Department of Defense may be obligated or expended for

1 construction of Ground Wave Emergency Network
2 (GWEN) sites in Fiscal Year 1994.

3 **(161)***SEC. 8083. Notwithstanding any other provi-*
4 *sion of law, the Naval shipyards of the United States shall*
5 *be eligible to participate in any manufacturing extension*
6 *program financed by funds appropriated in this or any*
7 *other Act.*

SEC. 8084. The \$15,000,000 made available in section 9088 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines, shall remain available for obligation until September 30, 1994, notwithstanding section 9003 of that Act(162): *Provided further, That \$5,000,000 of the funds made available by this section shall be available until September 30, 1995 for expenses associated with the construction and modification of facilities to support the relocation of military training programs from installations in the Philippines to sites in the United States.*

(TRANSFER OF FUNDS)

SEC. 8085. In addition to any other transfer author-
ity contained in this Act, \$100,000,000 appropriated in
this Act under the heading “Operation and Maintenance,
Defense-Wide” may be transferred to appropriations con-

1 tained in this Act which are available for the payment of
 2 civilian voluntary separation incentives, to be merged with
 3 and to be available for the same purposes and for the same
 4 time period as the appropriations to which transferred.

5 SEC. 8086. During the current fiscal year, amounts
 6 contained in the Department of Defense Overseas Military
 7 Facility Investment Recovery Account established by sec-
 8 tion 2921(c)(1) of the National Defense Authorization Act
 9 of 1991, (Public Law 101-510; 10 U.S.C. 2687 note)
 10 shall be available until expended for the payments speci-
 11 fied by section 2921(c)(2) of that Act.

12 SEC. 8087. During the current fiscal year, annual
 13 payments granted under the provisions of section 4416 of
 14 the National Defense Authorization Act for fiscal year
 15 1993 (Public Law 102-428; 106 Stat. 2714) shall be
 16 made from appropriations in this Act which are available
 17 for the pay of reserve component personnel.

18 ~~(163) SEC. 8088. None of the funds appropriated by~~
 19 ~~this Act may be used to relocate the 116th Fighter Wing~~
 20 ~~of the Air National Guard from Dobbins Air Reserve Base~~
 21 ~~to Robins Air Force Base, or to convert that wing from~~
 22 ~~F-15A aircraft to B-1B aircraft.~~

23 *SEC. 8088. None of the funds available to the Depart-*
 24 *ment of Defense for establishing a Naval East Coast Elec-*
 25 *tronics Engineering Center may be obligated or expended*

1 *for the establishment of such Headquarters at any location*
 2 *other than Charleston, South Carolina: Provided, That no*
 3 *such funds may be obligated or expended for the establish-*
 4 *ment or operation of subordinate detachments at St.*
 5 *Inigoes, Maryland, and Portsmouth, Virginia, with man-*
 6 *ning levels or broader functions than that specifically stated*
 7 *in the 1993 Report to the President of the Defense Base*
 8 *Closure and Realignment Commission.*

9 **(164)SEC. 8089. (a) IN GENERAL.**—Subject to sub-
 10 section (b), the Secretary of the Army may release, dis-
 11 charge, waive, and quitclaim all right, title, and interest
 12 which the United States may have by virtue of the quit-
 13 claim deed dated June 18, 1956, in and to approximately
 14 6.89 acres of real property, with improvements thereon,
 15 in Harris County, Texas.

16 **(b) CONDITION.**—The Secretary may carry out sub-
 17 section (a) only after obtaining satisfactory assurances
 18 that the State of Texas shall obtain, in exchange for the
 19 real property referred to in subsection (a), a tract of real
 20 property—

21 (1) which is at least equal in value to the real
 22 property referred to in subsection (a), and
 23 (2) which shall be, on the date on which the
 24 State obtains it, subject to the same restrictions and
 25 covenants with respect to the Federal Government

1 as are applicable on the date of the enactment of
2 this Act to the real property referred to in sub-
3 section (a).

4 ~~(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The~~
5 exact acreage and legal description of the real property
6 referred to in subsection (a) shall be based upon surveys
7 that are satisfactory to the Secretary.

8 *SEC. 8089. (a) Notwithstanding any other provision*
9 *of law, funds appropriated under this Act for the Depart-*
10 *ment of Defense shall be made available for the Overseas*
11 *Workload Program: Provided, That a firm of any member*
12 *nation of the North Atlantic Treaty Organization (NATO)*
13 *or of any major non-NATO ally or countries in the Euro-*
14 *pean Theater, shall be eligible to bid on any contract for*
15 *the maintenance, repair, or overhaul of equipment of the*
16 *Department of Defense to be awarded under competitive*
17 *procedures as part of the program of the Department of De-*
18 *fense known as the Overseas Workload Program.*

19 *(b) A contract awarded during fiscal year 1994, or*
20 *thereafter, to a firm described in subsection (a) may be per-*
21 *formed in the theater in which the equipment is normally*
22 *located or in the country in which the firm is located.*

23 *(c) For purposes only of this section, Israel shall be*
24 *considered in the European Theater in every respect, with*
25 *its firms fully eligible for nonrestrictive, nondiscriminatory*

1 *contract competition under the Overseas Workload Pro-*
2 *gram.*

3 *(d) No funds appropriated for the Overseas Workload*
4 *Program for fiscal year 1994 or thereafter shall be used for*
5 *contracts awarded in fiscal year 1994 or thereafter which*
6 *have not been opened for competition in a manner consist-*
7 *ent with this provision.*

8 **(165)SEC. 8090.** None of the funds appropriated by
9 this Act shall be used to procure aircraft fuel cells unless
10 the fuel cells are produced or manufactured in the United
11 States by a domestic-owned and domestic-operated entity:
12 *Provided,* That the Secretary of the military department
13 responsible for the procurement may waive this restriction
14 on a case-by-case basis by certifying in writing to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate that adequate domestic supplies are
17 not available to meet Department of Defense requirements
18 on a timely basis and that such an acquisition must be
19 made in order to acquire capability for national security
20 purposes.

21 *SEC. 8090.* None of the funds available to the Depart-
22 ment of the Air Force shall be available to establish or sup-
23 port any organic depot maintenance support activity for
24 the B-2 bomber.

1 ~~(166)SEC. 8091.~~ (a) Notwithstanding any other pro-
2 vision of law, not less than \$750,000 of the funds appro-
3 priated under the heading “Operation and Maintenance,
4 Army” in title II of this Act shall be made available until
5 expended to conduct a demonstration program involving
6 the Army Senior Reserve Officers’ Training Corps battal-
7 ion at Indiana University–Northwest and Army Junior Re-
8 serve Officers’ Training Corps units near the University.
9 The purpose of the program shall be to encourage minor-
10 ity students in secondary educational institutions to con-
11 tinue their education.

12 ~~(b)~~ Under the program, Senior Reserve Officers’
13 Corps cadets may serve as mentors and tutors for students
14 in Junior Reserve Officers’ Corps units. Cadets and stu-
15 dents may participate in combined activities, including
16 summer camps, field training, and other traditional mili-
17 tary activities.

18 ~~(c)~~ Senior Reserve Officers’ Corps cadets who serve
19 as mentors and tutors may be paid a stipend.

20 ~~(d)~~ After a cadet has satisfactorily served in the pro-
21 gram, under criteria established by the Secretary of the
22 Army and for a period of time determined by the Sec-
23 retary, the cadet may be provided financial assistance tui-
24 tion, books, laboratory fees, and similar educational ex-

1 penses if the cadet continues to serve satisfactorily in the
2 program.

3 *SEC. 8091. (a) Any college, university, or other institu-*
4 *tion which has been determined by the Defense Contract*
5 *Audit Agency to have overbilled the Federal Government for*
6 *indirect costs which are unreasonable, unallowable, or*
7 *unallocable under Office of Management and Budget Circu-*
8 *lars A-21 and A-133 may not receive from the Department*
9 *of Defense, during fiscal year 1994, any grant or contract,*
10 *or combination of grants or contracts, which totals the*
11 *amount overbilled to the Department of Defense.*

12 *(b) The restriction in subsection (a) shall not apply*
13 *if, within six months after an official determination of*
14 *overbilling—*

15 *(1) the institution in question either repays in*
16 *full to the United States Treasury the amount*
17 *overbilled to the Federal Government, plus interest, or*

18 *(2) the Under Secretary of Defense for Acquisi-*
19 *tion certifies in writing to Congress that the institu-*
20 *tion is no longer liable for such restitution, or that*
21 *the dispute has become the subject of formal judicial*
22 *review.*

23 *(c) The restriction in subsection (a) shall only apply*
24 *to any college, university, or other institution which has*
25 *been determined by the Defense Contract Audit Agency to*

1 *have overbilled the Federal Government by an amount*
 2 *which equals or exceeds \$15,000,000.*

3 SEC. 8092. During the current fiscal year, appropria-
 4 tions which are available to the Department of Defense
 5 for operation and maintenance may be used to purchase
 6 items having an investment item unit cost of not more
 7 than ~~(167)\$50,000~~ \$25,000.

8 SEC. 8093. None of the funds appropriated by this
 9 Act shall be available for direct ~~(168)or indirect~~ support
 10 of the joint Department of Defense/Department of Energy
 11 Safeguard C contingent nuclear testing program.

12 ~~(169)Sec. 8094. In connection with procurements of~~
 13 ~~petroleum products made by the Department of Defense~~
 14 ~~with appropriated funds, the Secretary shall consider all~~
 15 ~~qualified bids from any eligible country under the Carib-~~
 16 ~~bean Basin Economic Recovery Act which is hereby~~
 17 ~~deemed a designated country pursuant to 49 U.S.C.~~
 18 ~~2511(b).~~

19 *SEC. 8094. Of the funds appropriated to the Depart-*
 20 *ment of Defense for Operation and Maintenance, Defense-*
 21 *Wide, not less than \$8,000,000 shall be made available until*
 22 *expended to the Administration for Native Americans with-*
 23 *in 90 days of enactment of this Act only for the mitigation*
 24 *of environmental impacts, including the gathering of infor-*
 25 *mation, documenting of environmental damage, and devel-*

1 *oping a system for prioritization of mitigation, on Indian*
2 *lands resulting from Department of Defense activities.*

3 SEC. 8095. During the current fiscal year, appropria-
4 tions available for the pay and allowances of active duty
5 members of the Armed Forces shall be available to pay
6 the retired pay which is payable pursuant to section 4403
7 of Public Law 102-484 (10 U.S.C. 1293 note) under the
8 terms and conditions provided in section 4403.

9 ~~(170)Sec. 8096.~~ None of the funds appropriated in
10 this Act may be used to pay the salaries of more than
11 two Senior Executive Service positions within the Office
12 of the Assistant Secretary of the Army for Civil Works:
13 *Provided,* That the individuals in these positions may not
14 be compensated at a rate higher than level three of the
15 Senior Executive Service.

16 *SEC. 8096. None of the funds available to the Depart-*
17 *ment of Defense shall be used for the training or utilization*
18 *of psychologists in the prescription of drugs, except pursu-*
19 *ant to the findings and recommendations of the Army Sur-*
20 *geon General's Blue Ribbon Panel as specified in its Feb-*
21 *ruary and August 1990 meeting minutes.*

22 ~~(171)Sec. 8097.~~ (a) During the current fiscal year,
23 none of the appropriations or funds available to the De-
24 fense Business Operations Fund shall be used for the pur-
25 chase of an investment item for the purpose of acquiring

1 a new inventory item for sale or anticipated sale during
2 the current fiscal year or a subsequent fiscal year to cus-
3 tomers of the Defense Business Operations Fund if such
4 an item would not have been chargeable to the Defense
5 Business Operations Fund during fiscal year 1993 and if
6 the purchase of such an investment item would be charge-
7 able during the current fiscal year to appropriations made
8 to the Department of Defense for procurement.

9 (b) The fiscal year 1995 budget request for the De-
10 partment of Defense as well as all justification material
11 and other documentation supporting the fiscal year 1995
12 Department of Defense budget shall be prepared and sub-
13 mitted to the Congress on the basis that any equipment
14 which was classified as an end item and funded in a pro-
15 curement appropriation contained in this Act shall be
16 budgeted for in a proposed fiscal year 1995 procurement
17 appropriation and not in the supply management business
18 area or any other area or category of the Defense Business
19 Operations Fund.

20 *SEC. 8097. During the current fiscal year, obligations*
21 *against the stock funds of the Department of Defense may*
22 *not be incurred in excess of 70 percent of sales from such*
23 *stock funds during the current fiscal year: Provided, That*
24 *in determining the amount of obligations against, and sales*
25 *from the stock funds, obligations and sales for fuel, subsist-*

1 *ence, commissary items, retail operations, the cost of oper-*
 2 *ations, and repair of spare parts shall be excluded: Provided*
 3 *further, That upon a determination by the Secretary of De-*
 4 *fense that such action is critical to the national security*
 5 *of the United States, the Secretary may waive the provi-*
 6 *sions of this section: Provided further, That if the provisions*
 7 *of this section are waived, the Secretary shall immediately*
 8 *notify the Congress of the waiver and the reasons for such*
 9 *a waiver.*

10 **(172)Sec. 8098.** (a) The prohibition in section
 11 133(a)(2) of the National Defense Authorization Act for
 12 fiscal years 1990 and 1991 (Public Law 101-189; 103
 13 Stat. 1383) does not apply to the obligation of funds in
 14 amounts not to exceed \$216,000,000 for the procurement
 15 of not more than 36 OH-58D Scout aircraft from funds
 16 appropriated in title III of this Act.

17 (b) The prohibition in section 132(a)(2) of the Na-
 18 tional Defense Authorization Act for 1990 and 1991 (Pub-
 19 lic Law 101-189; 103 Stat. 1383) does not apply to the
 20 obligation of funds in amounts not to exceed
 21 \$368,430,000 for the procurement of not more than 24
 22 AH-64 aircraft from funds appropriated in title III of this
 23 Act.

24 *SEC. 8098. None of the funds provided in this Act shall*
 25 *be available for use by a Military Department to modify*

1 *an aircraft, weapon, ship or other item of equipment, that*
2 *the Military Department concerned plans to retire or other-*
3 *wise dispose of within five years after completion of the*
4 *modification: Provided, That this prohibition shall not*
5 *apply to safety modifications: Provided further, That this*
6 *prohibition may be waived by the Secretary of a Military*
7 *Department if the Secretary determines it is in the best na-*
8 *tional security interest of the country to provide such waiv-*
9 *er and so notifies the congressional defense committees in*
10 *writing.*

11 SEC. 8099. (a) FINDINGS.—The Congress finds
12 that—

13 (1) the United States Government has not
14 made adequate efforts to seek the payment of com-
15 pensation by the government of Peru for the death
16 and injuries to United States military personnel re-
17 sulting from the attack by aircraft of the military
18 forces of Peru on April 24, 1992, against a United
19 States Air Force C-130 aircraft operating off the
20 coast of Peru; and

21 (2) in failing to make such efforts adequately,
22 the United States Government has failed in its obli-
23 gation to support the servicemen and their families
24 involved in the incident and generally to support

1 members of the Armed Forces carrying out missions
2 on behalf of the United States.

3 (b) SEMIANNUAL REPORT.—The Secretary of De-
4 fense shall submit a report to Congress on December 1
5 and June 1 of each year on the efforts made by the Gov-
6 ernment of the United States during the preceding six-
7 month period to seek the payment of fair and equitable
8 compensation by the Government of Peru (1) to the survi-
9 vors of Master Sergeant Joseph Beard, Jr., United States
10 Air Force, who was killed in the attack described in sub-
11 section (a), and (2) to the other crew members who were
12 wounded in the attack and survived.

13 (c) TERMINATION OF REPORT REQUIREMENT.—The
14 requirement in subsection (b) shall terminate upon certifi-
15 cation by the Secretary of Defense to Congress that the
16 Government of Peru has paid fair and equitable com-
17 pensation as described in subsection (b).

18 *SEC. 8099A. None of the funds appropriated by this*
19 *Act shall be used for the support of any nonappropriated*
20 *funds activity of the Department of Defense that procures*
21 *malt beverages, wine and cigarettes with nonappropriated*
22 *funds for resale (including such alcoholic beverages sold by*
23 *the drink) on a military installation located in the United*
24 *States unless such malt beverages, wine and cigarettes are*
25 *procured within that State, or in the case of the District*

1 *of Columbia, within the District of Columbia, in which the*
2 *military installation is located: Provided, That in a case*
3 *in which the military installation is located in more than*
4 *one State, purchases may be made in any State in which*
5 *the installation is located: Provided further, That such local*
6 *procurement requirements for malt beverages, wine and*
7 *cigarettes shall apply to all alcoholic beverages and ciga-*
8 *rettes only for military installations in States which are*
9 *not contiguous with another State: Provided further, That*
10 *alcoholic beverages other than wine and malt beverages, and*
11 *cigarettes, in contiguous States and the District of Colum-*
12 *bia shall be procured from the most competitive source,*
13 *price and other factors considered.*

14 SEC. 8100. Notwithstanding any other provision of
15 law or regulation, the Department of Defense is directed
16 to use available off the shelf, nondevelopmental items in
17 filling small craft and small boat requirements when at
18 all possible.

19 SEC. 8101. No part of the funds in this Act shall
20 be available to prepare or present a request to the Com-
21 mittees on Appropriations for reprogramming of funds,
22 unless for higher priority items, based on unforeseen mili-
23 tary requirements, than those for which originally appro-
24 priated and in no case where the item for which

1 reprogramming is requested has been denied by the Con-
2 gress.

3 ~~(174)SEC. 8102.~~ None of the funds appropriated by
4 this Act shall be available for payment of the compensa-
5 tion of personnel assigned to or serving in the National
6 Foreign Intelligence Program in excess of 96 percent of
7 such personnel actually assigned to or serving in the Na-
8 tional Foreign Intelligence Program on September 30,
9 1992: *Provided*, That in making any reduction in the num-
10 ber of such personnel that may be required pursuant to
11 this section, the percentage of reductions to Senior Intel-
12 ligence Service positions shall be equal to or exceed the
13 percentage of reductions to non-Senior Intelligence Service
14 positions: *Provided further*, That in making any reduction
15 in the number of such personnel that may be required pur-
16 suant to this section, the percentage of reductions to posi-
17 tions in the National Capital Region shall be equal to or
18 exceed the percentage of reductions to positions outside
19 of the National Capital Region.

20 SEC. 8102. (a) Of the amounts available to the De-
21 partment of Defense for fiscal year 1994, not less than
22 \$10,000,000 shall be available for National Defense
23 Science and Engineering Graduate Fellowships to be
24 awarded on a competitive basis by the Secretary of De-
25 fense to United States citizens or nationals pursuing ad-

1 vanced degrees in fields of primary concern and interest
2 to the Department.

3 (b) Fellowships awarded pursuant to subsection (a)
4 above shall not be restricted on the basis of the geographi-
5 cal locations in the United States of the institutions at
6 which the recipients are pursuing the aforementioned ad-
7 vanced degrees.

8 (c) Not less than 50 per centum of the funds nec-
9 essary to carry out this section shall be derived from the
10 amounts available for the University Research Initiatives
11 Program in “Research, Development, Test and Evalua-
12 tion, Defense-Wide”, and the balance necessary shall be
13 derived from amounts available for Defense Research
14 Sciences under title IV of this Act.

15 SEC. 8103. None of the funds provided by this Act
16 may be used to pay the salaries of any person or persons
17 who authorize the transfer of obligated and deobligated
18 appropriations into the Reserve for Contingencies of the
19 Central Intelligence Agency.

20 SEC. 8104. During the current fiscal year ~~(175)~~and
21 ~~thereafter~~, funds appropriated for construction projects of
22 the Central Intelligence Agency, which are transferred to
23 another Agency for execution, shall remain available until
24 expended.

SEC. 8105. During the current fiscal year ~~(176)~~ and
thereafter, monetary limitations on the purchase price of
a passenger motor vehicle shall not apply to vehicles pur-
chased for intelligence activities conducted pursuant to
Executive Order 12333 or successor orders.

6 SEC. 8106. None of the funds appropriated by this
7 Act for programs of the Central Intelligence Agency shall
8 remain available for obligation beyond the current fiscal
9 year, except for funds appropriated for the Reserve for
10 Contingencies, which shall remain available until Septem-
11 ber 30, 1995.

(TRANSFER OF FUNDS)

SEC. 8107. During the current fiscal year (177) and thereafter, no funds may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8108. The classified annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1994 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addi-

1 tion to amounts appropriated by other provisions of this
2 Act: *Provided further*, That the President shall provide for
3 appropriate distribution of the classified Annex, or of ap-
4 propriate portions of the classified Annex, within the exec-
5 utive branch of the Government.

6 ~~(178)SEC. 8109.~~ Notwithstanding any other provi-
7 sion of law, funds made available in this Act for the De-
8 fense Intelligence Agency may be used for the design, de-
9 velopment, and deployment of General Defense Intel-
10 ligence Program intelligence communications and intel-
11 ligence information systems at the Unified and Specified
12 Commands.

13 SEC. 8110. After March 1, 1994, none of the funds
14 appropriated by this Act shall be available for any Na-
15 tional Foreign Intelligence Program: *Provided*, That this
16 provision shall not apply for any National Foreign Intel-
17 ligence Program for which budget exhibits were submitted
18 to the House Committee on Appropriations which justifies
19 in detail all funds requested for “base”, “ongoing”, and
20 “new” programs for fiscal year 1995.

21 SEC. 8111. None of the funds appropriated by this
22 Act shall be available for the planning, programming or
23 actual movement of any component or function of the De-
24 fense Mapping Agency Aerospace Center annex from the
25 St. Louis, Missouri, area.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8112. In addition to amounts appropriated or
3 otherwise made available by this Act, \$21,700,000 is here-
4 by appropriated to the Department of Defense and shall
5 be available only for transfer to the United States Coast
6 Guard for a 2.2 percent pay increase for uniformed mem-
7 bers.

8 SEC. 8113. None of the funds appropriated or made
9 available in this Act shall be obligated or expended for the
10 performance of depot-level maintenance by the Depart-
11 ment of Defense unless such activities are conducted in
12 accordance with section 2466(a) of title 10, United States
13 Code, as amended by Public Law 102-484.

14 SEC. 8114. Notwithstanding any other provision of
15 law, and in accordance with section 2905 of the Defense
16 Base Closure and Realignment Act of 1990, Public Law
17 101-510, the Department of Defense shall proceed with
18 implementation of the 1993 Defense Base Closure and Re-
19 alignment Commission recommendation concerning the
20 consolidation of tactical missile maintenance at
21 Letterkenny Army Depot.

22 SEC. 8115. Notwithstanding any other provision of
23 law, the Secretary of the Navy shall obligate the funds
24 appropriated for fiscal years 1992 and 1993 for the USH-
25 42 Mission Recorder program for the A-6 aircraft.

1 SEC. 8116. In addition to amounts appropriated else-
2 where in this Act, \$200,000 shall be available only for set-
3 tlement of claims and interest thereon, associated with
4 contract numbered N62474-86-C-0253 for construction
5 of a multipurpose range complex at the Marine Corps Air
6 Ground Combat Center in Twentynine Palms, California:
7 *Provided*, That such settlement shall be made pursuant
8 to the recommendation of August 19, 1993, of the Comp-
9 troller General of the United States (case B-230871.3).

10 SEC. 8117. Notwithstanding any other provision of
11 law, none of the funds appropriated for fiscal year 1993
12 and fiscal year 1994 for the DDG-51 destroyer program
13 shall be obligated or expended for procurement of the ring
14 laser gyroscope inertial navigation system under a sole
15 source contract.

16 SEC. 8118. The Secretary of the Navy shall carry out
17 the establishment of the Mine Warfare Center of Excel-
18 lence at the naval station at Ingleside, Texas (including
19 the establishment of all subordinate units and the reloca-
20 tion of Navy mine warfare forces), in accordance with the
21 schedule of the Navy for the establishment of such center
22 and without regard to any alteration in that schedule that
23 would otherwise be required pursuant to any other provi-
24 sion of law enacted during the first session of the 103d
25 Congress that applies specifically to the construction and

1 operation of that center or to the relocation of Navy mine
2 warfare forces to Ingleside, Texas.

3 ~~SEC. 8119.~~ (a) The amount expended during fiscal
4 year 1994 from funds appropriated by this Act or any
5 prior Department of Defense Appropriations Act shall not
6 exceed \$255,795,000,000.

7 (b) The Secretary of Defense and the Director of
8 Central Intelligence shall take such steps as necessary to
9 ensure compliance with the requirement in subsection (a).

10 (c) The provisions of the Impoundment Control Act
11 of 1974 (2 U.S.C. 681 et seq.) shall not apply with respect
12 to funds appropriated by this Act or any prior Department
13 of Defense Appropriations Act to the extent necessary to
14 enable the Secretary of Defense to comply with sub-
15 section (a).

16 (d) Any payment required to be made by the Depart-
17 ment of Defense to a business concern that, but for this
18 subsection, would be required to be made during Septem-
19 ber, 1994 may be made during the period beginning on
20 October 1, 1994, and ending on the date that is 30 days
21 after the date on which the payment would otherwise be
22 required to be made. In determining the amount of any
23 interest penalty under section 3902 of title 31, United
24 States Code, for failure to make any such payment, any
25 period for which the Secretary of Defense, under the pre-

ceding sentence, deferred the required payment date shall not be taken into account.

(c)(1) The Secretary of Defense shall, on each of the dates specified in paragraph (2), submit to the Committees on Appropriations and the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include—

(A) an analysis of cumulative obligations and cumulative expenditures from accounts subject to the limitation in subsection (a) during the period beginning on October 1, 1993, and ending on the last day of the month preceding the month in which the report is to be submitted, including a comparison of such obligations and expenditures with the relevant estimates of outlays made by the Office of Management and Budget and the Congressional Budget Office; and

(B) a description of the specific actions taken by the Secretary to ensure that the Department of Defense meets the requirements of subsection (a).

(2) The reports required by paragraph (1) shall be submitted not later than the following dates in 1994: January 15, April 15, July 15, September 15, and October 15.

1 *SEC. 8109. None of the funds appropriated by this Act*
2 *shall be used to begin closing a military treatment facility*
3 *unless the Secretary of Defense notifies the Committees on*
4 *Appropriations of the House of Representatives and the*
5 *Senate ninety days prior to such action.*

6 *SEC. 8110. The Secretary of Defense is authorized to*
7 *provide optional summer school programs in addition to*
8 *the programs otherwise authorized by the Defense Depend-*
9 *ents Education Act of 1978 (Public Law 95-561), and to*
10 *charge a fee for participation in such optional education*
11 *programs. Optional summer school program fees shall be*
12 *made available for use by the Secretary to defray the costs*
13 *of summer school operations.*

14 *SEC. 8111. Unobligated balances of the funds appro-*
15 *priated in Public Law 102-172 and Public Law 102-396*
16 *under the headings "World University Games", "Summer*
17 *Olympics" and "World Cup USA 1994" in title II of those*
18 *Acts shall, notwithstanding any other section of those Acts,*
19 *remain available for obligation until September 30, 1995.*

20 *SEC. 8112. Notwithstanding any other provision of*
21 *law, reimbursements received from the North Atlantic Trea-*
22 *ty Organization for the E-3 Airborne Warning and Control*
23 *System (AWACS) Radar System Improvement Program*
24 *(RSIP) attributable to development work for fiscal years*
25 *1987 through 1992 shall be available to the Air Force until*

1 *September 30, 1994, for meeting that service's financial*
2 *commitments for the AWACS RSIP.*

3 *SEC. 8113. (a) None of the funds appropriated or oth-*
4 *erwise made available in this Act may be used to transport*
5 *or provide for the transportation of chemical munitions to*
6 *the Johnston Atoll for the purpose of storing or demilitariz-*
7 *ing such munitions.*

8 *(b) The prohibition in subsection (a) shall not apply*
9 *to any obsolete World War II chemical munition of the*
10 *United States found in the World War II Pacific Theater*
11 *of Operations.*

12 *(c) The President may suspend the application of sub-*
13 *section (a) during a period of war in which the United*
14 *States is a party.*

15 *SEC. 8114. None of the funds available to the Depart-*
16 *ment of Defense may be used to support the relocation of*
17 *P-3 aircraft squadrons or other aircraft or units from the*
18 *Naval Air Station at Barbers Point, Hawaii unless such*
19 *relocation was specifically stated in the 1993 Report to the*
20 *President of the Defense Base Closure and Realignment*
21 *Commission.*

22 *SEC. 8115. (a) No funds available to the Air Force*
23 *during fiscal year 1994 may be obligated or expended for*
24 *any research, development, test, or evaluation activities to*
25 *upgrade the current capabilities of the B-1B bomber unless*

1 *the Secretary of Defense certifies to the Congressional de-*
2 *fense committees that the entire B-1B upgrade program is*
3 *militarily-required, affordable, and fully funded in the Fu-*
4 *ture Years Defense Program for fiscal years 1995-2000.*

5 *(b) Of the funds appropriated for the Department of*
6 *Defense for fiscal year 1993 under the heading "Research,*
7 *Development, Test and Evaluation, Air Force" in Title IV*
8 *of Public Law 102-396, the following amount is hereby re-*
9 *scinded: \$31,000,000.*

10 *SEC. 8116. The Secretary of Defense is authorized to*
11 *use, for foreign military sales otherwise authorized under*
12 *Chapter 39, title 22 United States Code or for transfer to*
13 *United States Army, Army National Guard, or Army Re-*
14 *serves, articles and services procured for the implementation*
15 *of the Italian air defense agreements: Provided, That the*
16 *term "Italian air defense agreements" has the meaning*
17 *given such term in Section 1050 of Public Law 102-190,*
18 *(105 Stat. 1469): Provided further, That section 1050 of*
19 *Public Law 102-190 (105 Stat. 1469) is repealed.*

20 *SEC. 8117. None of the funds appropriated or other-*
21 *wise made available by this or any other Act may be made*
22 *available for the Department of Defense to develop, acquire,*
23 *by purchase or otherwise, any 52 caliber-variant of the*
24 *M109 155mm self-propelled howitzer.*

1 *SEC. 8118. Notwithstanding any other provision of*
 2 *law, funds and credits received from the contractor under*
 3 *contract warranties for the failure of the first ultra high*
 4 *frequency follow-on satellite shall no longer be available for*
 5 *a replacement ultra high frequency satellite but shall be*
 6 *made available to finance a replacement extremely high fre-*
 7 *quency satellite and its launch.*

8 (TRANSFER OF FUNDS)

9 SEC. 8120. Upon enactment of this Act, the Sec-
 10 retary of Defense shall make the following transfers of
 11 funds: *Provided*, That the amounts transferred shall be
 12 available for the same purposes as the appropriations to
 13 which transferred, and for the same time period as the
 14 appropriation from which transferred: *Provided further*,
 15 That the amounts shall be transferred between the follow-
 16 ing appropriations in the amounts specified:

17 From:

18 ~~(179)~~Under the heading, “Shipbuilding
 19 and Conversion, Navy, 1990/1994”:

20 AOE combat support ship program,
 21 \$3,459,000;

22 Under the heading, “Research, Development,
 23 Test and Evaluation, Navy, 1993/1994”,
 24 \$3,459,000;

25 To:

1 Under the heading, “Shipbuilding and
2 Conversion, Navy, 1986/1990”:

3 MHC coastal mine hunter program,
4 \$3,459,000;

5 From:

6 ~~(180)~~ Under the heading, “Shipbuilding
7 and Conversion, Navy, 1990/1994”:

8 AOE combat support ship program,
9 \$46,000;

10 Oceanographic ship program,
11 \$538,000;

12 For craft, outfitting, post delivery,
13 and ship special support equipment,
14 \$994,000;

15 Under the heading, “Shipbuilding and
16 Conversion, Navy, 1991/1995”:

17 For craft, outfitting, and post deliv-
18 ery, \$3,806,000;

19 Under the heading, “Aircraft Procurement,
20 Navy, 1992/1994”, \$28,710,000;

21 Under the heading, “Shipbuilding and
22 Conversion, Navy, 1992/1996”:

23 DDG-51 destroyer program,
24 \$41,800,000;

1 ~~For craft, outfitting, and post deliv-~~
 2 ~~ery, \$1,560,000;~~

3 ~~Under the heading, “Weapons Procure-~~
 4 ~~ment, Navy, 1992/1994”, \$36,000,000;~~

5 *Under the heading, “Aircraft Procurement,*
 6 *Navy, 1993/1995”, \$3,400,000;*

7 *Under the heading, “National Guard and*
 8 *Reserve Equipment, 1993/1995”, \$21,208,000;*

9 *Under the heading, “Research, Development,*
 10 *Test and Evaluation, Navy, 1993/1994”,*
 11 *\$88,846,000;*

12 To:

13 Under the heading, “Shipbuilding and Conver-
 14 sion, Navy, 1988/1992”:

15 SSN-688 attack submarine program,
 16 \$26,596,000;

17 CVN nuclear aircraft carrier program,
 18 \$83,600,000;

19 LHD-1 amphibious assault ship pro-
 20 gram, \$3,258,000;

21 From:

22 Under the heading, “Aircraft Procurement,
 23 Navy, 1992/1994”, **(181)**\$28,890,000
 24 \$57,600,000;

1 (182)Under the heading, “Aircraft Pro-
2 curement, Navy, 1993/1995”, \$3,400,000;

3 Under the heading, “Shipbuilding and
4 Conversion, Navy, 1993/1997”;

5 Refueling overhauls, \$909,000;

6 DDG-51 destroyer programs,
7 \$14,400,000;

8 MHC coastal mine hunter program,
9 \$9,343,000;

10 For craft, outfitting and post delivery,
11 \$27,250,000;

12 Under the heading, “Weapons Procure-
13 ment, Navy, 1993/1995”, \$76,164,000;

14 *Under the heading, “Weapons Procurement,*
15 *Navy, 1992/1994”, \$36,000,000;*

16 *Under the heading, “Other Procurement,*
17 *Navy, 1993/1995”, \$66,756,000;*

18 To:

19 Under the heading, “Shipbuilding and
20 Conversion, Navy 1989/1993”:

21 TRIDENT ballistic missile submarine
22 program, \$11,655,000;

23 SSN-688 attack submarine program,
24 \$26,972,000;

1 SSN-21 attack submarine program,
2 \$40,800,000;

3 DDG-51 destroyer program,
4 \$71,500,000;

5 MHC coastal mine hunter program,
6 \$9,429,000;

7 From:

8 **(183)**Under the heading, “Other Procure-
9 ment, Navy, 1993/1995”, \$68,361,000;

10 Under the heading, “Research, Develop-
11 ment, Test and Evaluation, Navy, 1993/1995”,
12 \$45,000,000;

13 *Under the heading, “Shipbuilding and Con-*
14 *version, Navy, 1990/1994”:*

15 *AOE combat support ship program,*
16 *\$3,505,000;*

17 *Oceanographic ship program,*
18 *\$538,000;*

19 *Craft, outfitting, post delivery, and*
20 *ship special support equipment, \$994,000;*

21 *Under the heading, “Weapons Procurement,*
22 *Navy, 1993/1995”, \$49,868,000;*

23 To:

24 Under the heading, “Shipbuilding and
25 Conversion, Navy 1990/1994”:

1 TRIDENT ballistic missile submarine
2 program, \$7,241,000;

3 DDG-51 destroyer program,
4 \$40,100,000;

5 MCM mine countermeasures program,
6 \$7,564,000;

7 ~~(184)T-AGOS surveillance ship pro-~~
8 ~~gram \$58,456,000;~~

9 From:

10 *Under the heading, "Shipbuilding and Con-*
11 *version, Navy, 1991/1995":*

12 *For craft, outfitting, and post delivery,*
13 *\$45,865,000;*

14 *Under the heading, "Shipbuilding and Con-*
15 *version, Navy, 1992/1996":*

16 *DDG-51 destroyer program,*
17 *\$41,800,000;*

18 *For craft, outfitting, post delivery, and*
19 *DBOF transfer, \$6,260,000;*

20 *Under the heading, "Shipbuilding and Con-*
21 *version, Navy, 1993/1997":*

22 *DDG-51 destroyer program,*
23 *\$14,400,000;*

24 *MHC coastal mine hunter program,*
25 *\$9,343,000;*

1 *For craft, outfitting, post delivery, and*
 2 *first destination transportation, and infla-*
 3 *tion adjustments, \$45,177,000;*

4 Under the heading, “Weapons Procure-
 5 ment, Navy, 1993/1995”, ~~(186)~~\$24,015,000
 6 \$100,382,000;

7 Under the heading, “Other procurement,
 8 Navy, 1993/1995”, ~~(187)~~\$102,439,000
 9 \$6,044,000;

10 To:

11 Under the heading, “Shipbuilding and
 12 Conversion, Navy, 1991/1995”:

13 SSN-21 attack submarine program,
 14 ~~(188)~~\$70,654,000 \$237,971,000;

15 DDG-51 destroyer program,
 16 \$31,300,000~~(189)~~;

17 Under the heading, “Shipbuilding and
 18 Conversion, Navy, 1993/1997”:

19 LSD cargo variant ship program,
 20 \$24,500,000.

21 ~~(190)~~SEC. 8121. None of the funds in this Act are
 22 available for any board, committee, or panel which devel-
 23 ops, sets, defines, or recommends National Foreign Intel-
 24 ligence Program requirements: *Provided*, That this provi-
 25 sion shall not apply to any such board, committee, or panel

1 for which a majority of the members are not career intel-
2 ligence or cryptologic professionals.

3 ~~SEC. 8122.~~ The Departments of Defense and Air
4 Force are directed to obligate, no later than thirty days
5 after enactment of this Act, the \$55,500,000 appropriated
6 for research and development in Public Law 102-396 only
7 for the continuance of the Space Nuclear Thermal Propul-
8 sion Program.

9 *SEC. 8121. Notwithstanding any other provision of*
10 *law, funds appropriated in this Act for the upgrade, pur-*
11 *chase, or modernization of supercomputing capability and*
12 *capacity under the High Performance Computing Mod-*
13 *ernization program shall only be available for contracts,*
14 *contract modifications, or contract options which are*
15 *awarded without regard to the architecture or design of the*
16 *supercomputer system.*

17 *SEC. 8122. Amounts collected for the use of the facili-*
18 *ties of the National Science Center for Communications and*
19 *Electronics during the current fiscal year pursuant to sec-*
20 *tion 1459(g) of the Department of Defense Authorization*
21 *Act, 1986 and deposited to the special account established*
22 *under subsection 1459(g)(2) of that Act are appropriated*
23 *and shall be available until expended for the operation and*
24 *maintenance of the Center as provided for in subsection*
25 *1459(g)(2).*

1 SEC. 8123. The Secretary of Defense and the Direc-
2 tor of Central Intelligence shall deliver, in conjunction
3 with the fiscal year 1995 budget request, a report provid-
4 ing the following information about all research and devel-
5 opment projects involving the implementation, monitoring,
6 or verification of current and projected international arms
7 control agreements: (a) annual and total budgets, goals,
8 schedules, and priorities; (b) relationships among related
9 projects being funded by the Department of Defense, the
10 National Foreign Intelligence Program, and other depart-
11 ments and agencies of the Federal Government; and (c)
12 comments by the Arms Control and Disarmament Agency
13 about the relevance of each project to the arms control
14 priorities of the United States.

15 ~~(191) SEC. 8124. Notwithstanding any other provi-~~
16 ~~sion of law, none of the funds appropriated in this or any~~
17 ~~other Act shall be used for the purchase of a totally en-~~
18 ~~closed lifeboat survival system, which consists of the life-~~
19 ~~boat and associated davits and winches, if less than 75~~
20 ~~percent of the entire system's components are manufac-~~
21 ~~tured in the United States, and if less than 75 percent~~
22 ~~of the labor in the manufacture and assembly of the entire~~
23 ~~system is performed in the United States.~~

24 SEC. 8125. None of the funds appropriated by this
25 Act may be used (1) to transfer to the United Nations

1 a facility in the continental United States for use as a
 2 United Nations peacekeeping facility, or (2) for the ren-
 3 novation of such a facility in preparation for such a trans-
 4 fer.

5 *SEC. 8124. During the current fiscal year, funds re-*
 6 *ceived from the sale of tanks and infantry fighting vehicles*
 7 *under section 21 of the Arms Export Control Act (22 U.S.C.*
 8 *2761) shall be available for the upgrading of tanks, infantry*
 9 *fighting vehicles or armored personnel carriers in the man-*
 10 *ner and to the extent specified by subsections 21(j)(1) and*
 11 *(2) of that Act (22 U.S.C. 2761(j)(1) and (2)).*

12 *SEC. 8125. Amounts appropriated in this Act which*
 13 *are available for the Small Business Innovation Research*
 14 *Program and the Small Business Technology Transfer Pilot*
 15 *Program portions of the extramural research and develop-*
 16 *ment budget of the Department of Defense shall be the*
 17 *amounts specifically identified for those programs in the*
 18 *supporting documentation accompanying the Budget sub-*
 19 *mitted for the Department of Defense, notwithstanding sec-*
 20 *tions 9(f)(1) and (n)(1) of the Small Business Act (15*
 21 *U.S.C. 638(f)(1) and (n)(1)).*

22 **(192) COMPLIANCE WITH BUY AMERICAN ACT**

23 **SEC. 8126. No funds appropriated pursuant to this**
 24 **Act may be expended by an entity unless the entity agrees**
 25 **that in expending the assistance the entity will comply**
 26 **with sections 2 through 4 of the Act of March 3, 1933**

1 ~~(41 U.S.C. 10a–10c, popularly known as the “Buy Amer-~~
 2 ~~ican Act”)~~.

3 ~~SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE~~

4 ~~SEC. 8127. (a) PURCHASE OF AMERICAN-MADE~~
 5 ~~EQUIPMENT AND PRODUCTS.—In the case of any equip-~~
 6 ~~ment or products that may be authorized to be purchased~~
 7 ~~with financial assistance provided under this Act, it is the~~
 8 ~~sense of the Congress that entities receiving such assist-~~
 9 ~~ance should, in expending the assistance, purchase only~~
 10 ~~American-made equipment and products.~~

11 ~~(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In~~
 12 ~~providing financial assistance under this Act, the Sec-~~
 13 ~~retary of Defense shall provide to each recipient of the~~
 14 ~~assistance a notice describing the statement made in sub-~~
 15 ~~section (a) by the Congress.~~

16 ~~PROHIBITION OF CONTRACTS~~

17 ~~SEC. 8128. If it has been finally determined by a~~
 18 ~~court or Federal agency that any person intentionally af-~~
 19 ~~fixed a fraudulent label bearing a “Made in America” in-~~
 20 ~~scription, or any inscription with the same meaning, to~~
 21 ~~any product sold in or shipped to the United States that~~
 22 ~~was not made in the United States, such person shall be~~
 23 ~~ineligible to receive any contract or subcontract made with~~
 24 ~~funds provided pursuant to this Act, pursuant to the de-~~
 25 ~~barment, suspension, and ineligibility procedures de-~~

1 scribed in section 9.400 through 9.409 of title 48, Code
2 of Federal Regulations.

3 RECIPROCITY

4 SEC. 8129. (a) GENERAL RULE.—Except as provided
5 in subsection (b), no contract or subcontract may be made
6 with funds authorized under this Act to a company orga-
7 nized under the laws of a foreign country unless the Sec-
8 retary finds that such country affords comparable oppor-
9 tunities to companies organized under laws of the United
10 States.

11 (b) EXCEPTION.—(1) The Secretary may waive the
12 rule stated under subsection (a) if the products or services
13 required are not reasonably available from companies or-
14 ganized under the laws of the United States. Any such
15 waiver shall be reported to the Congress.

16 (2) Subsection (a) shall not apply to the extent that
17 to do so would violate the General Agreement on Tariffs
18 and Trade or with any other international agreement to
19 which the United States is a party.

20 *SEC. 8126. None of the funds appropriated by this or*
21 *any other Act with respect to any fiscal year for the Navy*
22 *may be used to carry out an electromagnetic pulse program*
23 *in the Chesapeake Bay area in connection with the Electro-*
24 *magnetic Pulse Radiation Environment Simulator for*
25 *Ships (EMPRESS II) program unless or until the Sec-*
26 *retary of Defense certifies to the Congress that conduct of*

1 *the EMPRESS II program is essential to the national secu-*
2 *rity of the United States and to achieving requisite military*
3 *capability for United States naval vessels, and that the eco-*
4 *nomie, environmental, and social costs to the United States*
5 *of conducting the EMPRESS II program in the Chesapeake*
6 *Bay area are far less than the economic, environmental,*
7 *and social costs caused by conducting the EMPRESS II*
8 *program elsewhere.*

9 *SEC. 8127. Military personnel who separate from a*
10 *military department under the Voluntary Separation Ini-*
11 *tiative (VSI) or the Special Separation Bonus (SSB), and*
12 *who are eligible for service continuation bonuses such as*
13 *the reenlistment bonus or aviation continuation pay during*
14 *the same year in which they separate, will receive separa-*
15 *tion payments reduced by an amount equal to the amount*
16 *of the continuation bonus received by the member in the*
17 *year in which the member separates: Provided, That any*
18 *future continuation bonus payments to which the member*
19 *would otherwise be entitled are rescinded: Provided further,*
20 *That civilian employees of the Department of Defense are*
21 *prohibited from receiving voluntary separation payments*
22 *if such employees are rehired by another agency of the Fed-*
23 *eral Government within one hundred and eighty days of*
24 *separating from the Department of Defense.*

1 *SEC. 8128. Under the heading “Research, Develop-*
2 *ment, Test and Evaluation, Army” in the Department of*
3 *Defense Appropriations Act, 1993 (Public Law 102–396),*
4 *delete the final proviso and insert in lieu thereof:*

5 *“: Provided further, That of the funds appro-*
6 *priated in this paragraph, \$4,000,000 shall be used*
7 *only for a grant to the Assistive Technology Center at*
8 *the National Rehabilitation Hospital for laboratory*
9 *and other efforts associated with research and develop-*
10 *ment and other programs of major importance to the*
11 *Department of Defense”.*

12 *SEC. 8129. None of the funds appropriated in this Act*
13 *may be used to pay for the costs of personnel, operations,*
14 *procurement of supplies or other items in support of the*
15 *Marshall Center.*

16 **SEC. 8130.** None of the funds appropriated or other-
17 wise made available by this Act may be used for a defense
18 technology reinvestment project that is not selected pursu-
19 ant to the applicable competitive selection and other proce-
20 dures set forth in chapter 148 of title 10, United States
21 Code.

22 **(193)***SEC. 8131. The appropriations made under the*
23 *headings “Operation and Maintenance, Navy” and “Oper-*
24 *ation and Maintenance, Air Force” under chapter III of*
25 *title XI of the Dire Emergency Supplemental Appropria-*

1 *tions Act, 1992, including disaster assistance to meet the*
2 *present emergencies arising from the consequences of Hurri-*
3 *cane Andrew, Typhoon Omar, Hurricane Iniki and other*
4 *natural disasters, and additional assistance to distressed*
5 *communities (Public Law 102-368) are each amended by*
6 *inserting “, the August 8, 1993 earthquake in Guam” im-*
7 *mediately after “Typhoon Omar” and by striking out “Sep-*
8 *tember 30, 1993” and inserting “September 30, 1994” in*
9 *lieu thereof.*

10 **(194)***SEC. 8132. The appropriation, “Emergency Re-*
11 *sponse Fund, Defense” made under the heading “Emer-*
12 *gency Response Fund” by the Department of Defense Ap-*
13 *propriations Act, 1990 (Public Law 101-165) is amended*
14 *by inserting the following immediately after the third sen-*
15 *tence: “In addition to the foregoing, upon a determination*
16 *by the Secretary of Defense that such action is necessary,*
17 *the Fund may be used, in addition to other funds available*
18 *to the Department of Defense for such purposes, for expenses*
19 *of the Department of Defense which are incurred in supply-*
20 *ing supplies or services furnished in response to natural*
21 *or manmade disasters.”.*

22 **(195)***SEC. 8133. Of the funds appropriated or other-*
23 *wise made available by this Act not more than*
24 *\$155,000,000 shall be available for payment of the operat-*
25 *ing costs of NATO Headquarters.*

1 **(196)***SEC. 8134. None of the funds appropriated by*
2 *this Act shall be available for a contract for studies, analy-*
3 *ses, or consulting services entered into without competition*
4 *on the basis of an unsolicited proposal unless the head of*
5 *the activity responsible for the procurement determines:*

6 *(1) as a result of thorough technical evaluation,*
7 *only one source is found fully qualified to perform the*
8 *proposed work, or*

9 *(2) the purpose of the contract is to explore an*
10 *unsolicited proposal which offers significant scientific*
11 *or technological promise, represents the product of*
12 *original thinking, and was submitted in confidence*
13 *by one source, or*

14 *(3) the purpose of the contract is to take advan-*
15 *tage of unique and significant industrial accomplish-*
16 *ment by a specific concern, or to insure that a new*
17 *product or idea of a specific concern is given finan-*
18 *cial support:*

19 *Provided, That this limitation shall not apply to contracts*
20 *in an amount of less than \$25,000, contracts related to im-*
21 *provements of equipment that is in development or produc-*
22 *tion, or contracts as to which a civilian official of the De-*
23 *partment of Defense, who has been confirmed by the Senate,*
24 *determines that the award of such contract is in the interest*
25 *of the national defense.*

1 **(197)***SEC. 8135. Not later than January 1, 1994, the*
2 *Secretary of the Navy shall transfer, without reimburse-*
3 *ment, to the Secretary of State a tract of land consisting*
4 *of approximately 10 acres, together with improvements*
5 *thereon, which comprise that portion of the Naval Base,*
6 *Charleston, South Carolina, bounded by Bainbridge Ave-*
7 *nue, Holland Street, and Dyess Avenue and known as*
8 *buildings 646, 646A, 647, 643, 645, and 649, excluding*
9 *building 644, and all walkways and parking areas associ-*
10 *ated with such buildings: Provided, That the real property*
11 *transferred pursuant to this section shall be used by the Sec-*
12 *retary of State in support of diplomatic and consular oper-*
13 *ations: Provided further, That the exact acreage and legal*
14 *description of the property to be transferred under this sec-*
15 *tion shall be determined by a survey approved by the Sec-*
16 *retary of the Navy.*

17 **(198)***SEC. 8136. Notwithstanding any other provi-*
18 *sion of law, the Secretary of Defense shall pay a death gra-*
19 *tuity to each Servicemen's Group Life Insurance (SGLI)*
20 *beneficiary of each deceased member of the uniformed serv-*
21 *ices who died after October 28, 1992 and before December*
22 *1, 1992, and whose death was a death in the performance*
23 *of duty: Provided, That the amount of the death gratuity*
24 *payable to each beneficiary under this section shall be equal*
25 *to the SGLI paid or payable to such beneficiary under Sub-*

1 *chapter III of chapter 19 of title 38, United States Code,*
2 *by reason of the death of such member: Provided further,*
3 *That no death gratuity shall be paid under this section*
4 *where the deceased member of the uniformed services affirm-*
5 *atively elected, in writing, to decline to apply for increased*
6 *SGLI coverage under paragraph (e) of section 1922A of title*
7 *38, United States Code: Provided further, That in the case*
8 *of a deceased member of the uniformed services who, prior*
9 *to death, affirmatively elected, in writing, to apply for an*
10 *increase in SGLI coverage in an amount less than \$100,000*
11 *under paragraph (e) of section 1922A of title 38, U.S.C.,*
12 *the death gratuity paid under this section shall be equal*
13 *to the amount of the increase so elected: Provided further,*
14 *That a death gratuity shall be payable under this section*
15 *to a SGLI beneficiary upon receipt of a written application*
16 *therefor by the Secretary of Defense not later than Septem-*
17 *ber 30, 1994: Provided further, That, in addition to*
18 *amounts appropriated elsewhere in this Act, \$5,300,000 is*
19 *appropriated and shall be available only for the settlement*
20 *of death gratuity claims under this section.*

21 (TRANSFER OF FUNDS)

22 **(199)**SEC. 8137. *During the current fiscal year and*
23 *thereafter, sales of stockpiled material in the National De-*
24 *fense Stockpile Transaction Fund in the Defense Business*
25 *Operations Fund may be made in amounts not to exceed*
26 *\$500,000,000 in each fiscal year: Provided, That receipts*

1 *from such sales as well as available fund balances may be*
2 *transferred to any appropriation available to the Depart-*
3 *ment of Defense to be merged with and to be available for*
4 *the same purposes and same time period as the appropria-*
5 *tion to which transferred, or may be deposited to the mis-*
6 *cellaneous receipts of the Treasury: Provided further, That*
7 *the Secretary of Defense may impose a moratorium on the*
8 *acquisition of new material for the National Defense Stock-*
9 *pile for the purpose of reducing existing excess material in*
10 *the Stockpile.*

11 **(200)** *SEC. 8138. The Assistant Secretary of Defense*
12 *for Health Affairs shall, during the current fiscal year, ini-*
13 *tiate a managed health care program for eligible bene-*
14 *ficiaries in the area of Homestead Air Force Base: Pro-*
15 *vided, That this program shall provide benefits and services*
16 *substantially identical to those established to serve bene-*
17 *ficiary populations in areas where military medical facili-*
18 *ties have been terminated, to include retail pharmacy net-*
19 *works available to Medicare-eligible beneficiaries: Provided*
20 *further, That the Assistant Secretary of Defense for Health*
21 *Affairs shall present a plan to implement this program to*
22 *the House and Senate Committees on Appropriations not*
23 *later than January 15, 1994.*

1 **(201)** *(RESCISSIONS)*

2 *SEC. 8139. Of the funds provided in Department of*
3 *Defense Appropriations Acts, the following funds are hereby*
4 *rescinded from the following accounts in the specified*
5 *amounts:*

6 *“Aircraft Procurement, Army, 1993/1994”,*
7 *\$42,700,000;*

8 *“Wheeled and Tracked Combat Vehicles, Army,*
9 *1993/1995”, \$4,700,000;*

10 *“Procurement of Ammunition, Army, 1992/*
11 *1994”, \$30,181,000;*

12 *“Procurement of Ammunition, Army, 1993/*
13 *1995”, \$32,580,000;*

14 *“Weapons Procurement, Navy, 1992/1994”,*
15 *\$15,000,000;*

16 *“Weapons Procurement, Navy, 1993/1995”,*
17 *\$47,500,000;*

18 *“Other Procurement, Navy, 1993/1995”,*
19 *\$26,600,000;*

20 *“Procurement, Marine Corps, 1992/1994”,*
21 *\$10,285,000;*

22 *“Procurement, Marine Corps, 1993/1995”,*
23 *\$6,508,000;*

24 *“Missile Procurement, Air Force, 1993/1995”,*
25 *\$57,600,000;*

1 *“Other Procurement, Air Force, 1993/1995”,*
2 *\$63,206,000;*

3 *“Other Procurement, Air Force, 1992/1994”,*
4 *\$17,276,000;*

5 *“Research, Development, Test and Evaluation,*
6 *Navy, 1993/1994”, \$13,100,000.*

7 **(202)***SEC. 8140. In addition to amounts appro-*
8 *priated elsewhere in this Act, \$25,000,000 is appropriated*
9 *for the subsidy of loan guarantees to carry out the program*
10 *established under section 1052 of S. 1298 as it passed the*
11 *Senate on September 14, 1993: Provided, That such section*
12 *is enacted into law.*

13 **(203)***SEC. 8141. The Under Secretary of Defense for*
14 *Acquisition shall develop a detailed plan and schedule to*
15 *implement the transition of the Defense Nuclear Agency and*
16 *the integration of its militarily essential functions into the*
17 *military services and Advanced Research Projects Agency:*
18 *Provided, That none of the funds made available by this*
19 *Act shall be available to implement changes in current DNA*
20 *operations until 30 days after the plan and schedule have*
21 *been approved by the Under Secretary of Defense for Acqui-*
22 *sition and submitted to the Congressional defense commit-*
23 *tees for review: Provided further, That the Under Secretary*
24 *of Defense for Acquisition shall submit the aforementioned*

1 *transition plan and schedule not later than February 1,*
2 *1994.*

3 **(204)***SEC. 8142. (a) No funds appropriated under*
4 *this Act may be obligated or expended for the purpose of*
5 *establishing the Antler Military Operations Area, Penn-*
6 *sylvania, for the purpose of conducting aerial combat train-*
7 *ing operations until the date of the submittal to congres-*
8 *sional defense committees of the report referred to in sub-*
9 *section (b).*

10 *(b)(1)(A) The Secretary of Defense, in consultation*
11 *with the Administrator of the Environmental Protection*
12 *Agency and the Administrator of the Federal Aviation Ad-*
13 *ministration, shall submit to the congressional defense com-*
14 *mittees a report on the effect of low-level aircraft training*
15 *operations of the Department of Defense on the proposed*
16 *Antler Military Operations Area, Pennsylvania.*

17 *(B) The Secretary shall submit the report not later*
18 *than 6 months after the date of the enactment of this Act.*

19 *(2) The report under this subsection shall include the*
20 *following:*

21 *(A) An assessment of the effect of the training*
22 *operations referred to in paragraph (1) on—*

23 *(i) the environment of the areas of, and in*
24 *the vicinity of, the proposed Antler Military Op-*
25 *erations Area, including a detailed assessment of*

1 *the effects of the noise generated by such oper-*
2 *ations on the environment of such areas;*

3 *(ii) the economy of such areas; and*

4 *(iii) the health and safety of persons living*
5 *in and around such areas.*

6 *(B) A description of the number of aircraft*
7 *flights per month that the Secretary anticipates will*
8 *occur in the proposed Antler Military Operations*
9 *Area.*

10 *(C) A description of the number and duration of*
11 *such flights per month that the Secretary anticipates*
12 *will occur at or below a level that is 500 feet above*
13 *the highest ground level of the proposed Antler Mili-*
14 *tary Operations Area.*

15 *(c) In this section, the term “congressional defense*
16 *committees” means the Committees on Armed Services and*
17 *the Committees on Appropriations of the Senate and House*
18 *of Representatives.*

19 **(205)***SEC. 8143. Notwithstanding any other provi-*
20 *sion of law, within 30 days from the enactment of this Act,*
21 *the Department of the Navy shall select and take possession*
22 *of either LCU-1540 or LCU-1549 from the General Serv-*
23 *ices Administration: Provided, That the Navy shall modify*
24 *or have modified the selected vessel utilizing commercial*
25 *standards that meet United States Coast Guard certifi-*

1 *cation requirements as safe to operate in open ocean as a*
 2 *cargo vessel: Provided further, That upon completion of all*
 3 *modifications and certification by the United States Coast*
 4 *Guard, the Navy shall immediately transfer title of the ves-*
 5 *sel, at no cost, to the government of American Samoa: Pro-*
 6 *vided further, That of the funds appropriated in this Act*
 7 *in title II, Operation and Maintenance, Navy, \$1,500,000*
 8 *shall be available for this purpose: Provided further, That*
 9 *notwithstanding any other provision of law, funds available*
 10 *to the Department of Defense shall be made available to pro-*
 11 *vide transportation of medical supplies and equipment, on*
 12 *a nonreimbursable basis, to American Samoa.*

13 **(206)** *SEC. 8144. Notwithstanding any other provi-*
 14 *sion of this or any other Act, the total amount obligated*
 15 *or expended for procurement of the SSN-21 and SSN-22*
 16 *Seawolf attack submarines may not exceed \$4,673,371,000.*

17 **(207)** *SEC. 8145. (a)(1) The Comptroller General shall*
 18 *carry out a study of the cost-effectiveness to the Navy of*
 19 *the utilization of nuclear-powered aircraft carriers and nu-*
 20 *clear-powered submarines.*

21 *(2) The study shall include—*

22 *(A) a comparison of the life-cycle cost of nuclear-*
 23 *powered aircraft carriers and nuclear-powered sub-*
 24 *marines with the life-cycle cost of conventionally-pow-*

1 *ered aircraft carriers and conventionally-powered*
2 *submarines, as the case may be;*

3 *(B) a comparison of the cost of procuring nu-*
4 *clear-powered aircraft carriers with the cost of carry-*
5 *ing out the service-life extension or complex overhaul*
6 *of existing conventionally-powered aircraft carriers;*

7 *(C) a comparison of the projected cost to the*
8 *Navy of operating a fleet of aircraft carriers utilizing*
9 *homeports located at foreign overseas installations*
10 *with the projected cost of operating such a fleet utiliz-*
11 *ing both foreign overseas homeports and homeports lo-*
12 *cated in the United States;*

13 *(D) an assessment of the effect on the projected*
14 *costs referred to in subparagraph (C) of—*

15 *(i) the plan, if any, of the Navy for the lo-*
16 *cation of a homeport for a nuclear-powered air-*
17 *craft carrier in the Western Pacific region in the*
18 *event of the retirement of all conventionally-pow-*
19 *ered aircraft carriers in the fleet; and*

20 *(ii) restrictions imposed by foreign nations*
21 *on utilizing installations located in such nations*
22 *as homeports for nuclear-powered aircraft car-*
23 *riers, and on the operation of such carriers in*
24 *the waters of such nations;*

1 (E) an assessment of the number of aircraft car-
2 riers required by the Navy in order to meet oper-
3 ational requirements for a continuous presence of air-
4 craft carriers in three overseas regions simultaneously
5 in the event that foreign nations prohibit the utiliza-
6 tion of locations in such nations as homeports for nu-
7 clear-powered aircraft carriers;

8 (F) an assessment of the refueling (including any
9 complex overhaul of the fueling system and nuclear
10 propulsion system) required for the nuclear-powered
11 aircraft carriers of the fleet through 2010, includ-
12 ing—

13 (i) a schedule for such refueling;

14 (ii) the cost of such refueling; and

15 (iii) the cost of disposing of the waste gen-
16 erated by such refueling;

17 (G) a detailed description of all programs of the
18 Department of Defense and of the Department of En-
19 ergy relating to nuclear propulsion systems for naval
20 ships (including surface ships and submarines) that
21 utilize such systems; and

22 (H) a detailed estimate of the costs associated
23 with processing or otherwise disposing of nuclear fuel
24 and other nuclear material (including nuclear waste)

1 *from the existing nuclear-powered fleet of ships (in-*
2 *cluding surface ships and submarines) of the Navy.*

3 *(3) In determining the life-cycle costs associated with*
4 *nuclear-powered aircraft carriers and nuclear-powered sub-*
5 *marines for the purposes of the study under this subsection,*
6 *the Comptroller General shall take into account the cost of*
7 *processing or otherwise disposing of nuclear fuel and other*
8 *nuclear material (including nuclear waste) removed from*
9 *such aircraft carriers and submarines.*

10 *(b) The Comptroller General shall submit to the Com-*
11 *mittees on Armed Services and the Committees on Appro-*
12 *priations of the Senate and House of Representatives a re-*
13 *port on a study carried out under subsection (a) not later*
14 *than 6 months after the date of the enactment of this Act.*

15 **(208)** *SEC. 8146. (a) It is the sense of Congress that—*

16 *(1) the Secretary of Defense should not prohibit*
17 *any military installation described in subsection (b)*
18 *from bidding on or performing Department of Defense*
19 *contracts for overhaul services or for depot-level main-*
20 *tenance of material for the Armed Forces that are*
21 *awarded using competitive procedures;*

22 *(2) performance of such a contract by such a*
23 *military installation should not affect the schedule for*
24 *closure of the installation;*

1 (3) *such a contract should not be entered into for*
2 *the performance of work at such an installation if the*
3 *time necessary for performance of the contract extends*
4 *beyond the date established for closure of the installa-*
5 *tion or if the performance of the contract at the in-*
6 *stallation would otherwise affect the schedule for clo-*
7 *sure of the installation; and*

8 (4) *such a contract awarded to a military instal-*
9 *lation should be terminated for default if the contract*
10 *is not completed on or before the completion date pro-*
11 *vided in the contract.*

12 (b) *A military installation referred to in subsection (a)*
13 *is a military installation that (1) has been approved for*
14 *closure subject to the provisions of the Defense Base Closure*
15 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
16 *lic Law 101–510), (2) is in the process of implementing*
17 *a conversion or reuse strategy for the installation to take*
18 *effect upon closure, and (3) has received some funds from*
19 *the Department of Defense for the purpose of implementing*
20 *the conversion or reuse strategy.*

21 **(209)** *SEC. 8147. It is the sense of the Congress that*
22 *operators of industrial facilities at military installations*
23 *closed after the date of the enactment of this Act should be*
24 *permitted to qualify as offerors for (1) proposed Department*
25 *of Defense contracts for overhaul services for the Armed*

1 *Forces, and (2) proposed Department of Defense contracts*
2 *for depot-level maintenance of material for the Armed*
3 *Forces.*

4 **(210)***SEC. 8148. (a) Notwithstanding any other pro-*
5 *vision of law, none of the funds appropriated by this Act*
6 *or any other Act, or otherwise made available, to the De-*
7 *partment of Defense may be obligated to carry out a test*
8 *program for determining the cost effectiveness of transfer-*
9 *ring to the private sector the mission of operating one or*
10 *more preparatory schools for the United States Military*
11 *Academy, the United States Naval Academy, and the*
12 *United States Air Force Academy.*

13 **(211)***SEC. 8149. It is the sense of the Senate that the*
14 *Government of the United States and the Government of*
15 *Saudi Arabia should work diligently and without delay to*
16 *resolve satisfactorily the outstanding commercial disputes*
17 *identified in the Department of Commerce letter; date May*
18 *27, 1992: Provided, That not later than February 1, 1994,*
19 *the Secretary of Defense, after consultation with the Sec-*
20 *retary of State and the Secretary of Commerce, shall submit*
21 *a report to the Congress on the status of the process for the*
22 *resolution of commercial disputes in Saudi Arabia and the*
23 *prognosis for any of the disputes which remain unresolved.*

24 **(212)***SEC. 8150. It is the sense of the Senate that—*

1 (a) the Secretary of the Air Force consider the
2 comments of the appropriate representatives of the
3 Duck Valley Reservation of the Shoshone-Paiute
4 Tribes in making decisions on use of airspace above
5 such reservation,

6 (b) the interests of the Duck Valley Reservation
7 of the Shoshone-Paiute Tribes receive the appropriate
8 consideration under any pending or future National
9 Environmental Policy Act process involving airspace
10 over Duck Valley Reservation, and

11 (c) to the extent practicable, airspace used for
12 military training flights below 15,000 feet above
13 ground level over the Duck Valley Reservation shall be
14 over uninhabited areas of the Reservation.

15 **(213)** SEC. 8151. Notwithstanding any other provi-
16 sion of law (including any regulation), with respect to the
17 public sponsor of a primary levee located in the area that
18 was affected by major, widespread flooding in the Midwest
19 during 1993 and that was designed for a 5-year flood or
20 a higher level flood, the eligibility of the public sponsor of
21 the levee to receive assistance through the levee rehabilita-
22 tion assistance program of the Army Corps of Engineers
23 shall not be affected by the status of participation (or lack
24 of participation) of the public sponsor in the program. A
25 public sponsor of a levee who becomes eligible to receive as-

1 *sistance under the program pursuant to the preceding sen-*
2 *tence may, not later than September 30, 1994, submit an*
3 *application to participate in the program.*

4 **(214)***SEC. 8152. (a) It is the sense of the Congress*
5 *that, for purposes of section 112 of the Internal Revenue*
6 *Code of 1986, the President should declare that service in*
7 *Somalia during the period described in subsection (b)*
8 *should be treated as service in a combat zone.*

9 *(b) The period referred to in subsection (a) is the pe-*
10 *riod beginning on December 10, 1992, and ending on the*
11 *date on which withdrawal from Somalia of all forces of the*
12 *Armed Forces of the United States in Somalia has been*
13 *completed, as declared in a proclamation issued by the*
14 *President.*

15 **(215)***SEC. 8153. CONGRESSIONAL HEARINGS ON THE*
16 *COMMITMENT OF UNITED STATES TROOPS IN SOMALIA AND*
17 *HAITI.—(a) FINDINGS.—*

18 *(1) Public hearings are essential in ensuring*
19 *broadbased understanding of and support for United*
20 *States policies;*

21 *(2) Since United States troops were committed*
22 *in Somalia, the original humanitarian mission has*
23 *been significantly expanded to include nation-build-*
24 *ing, as evidenced in United Nations Security Council*
25 *Resolution 814;*

1 (3) *Since the commitment of United States*
2 *troops in Somalia, the Senate of the United States*
3 *has received only update briefings or has held closed*
4 *hearings on United States actions there and has held*
5 *only one public hearing;*

6 (4) *To date, thirty United States troops have lost*
7 *their lives since United States troops were committed*
8 *in Somalia;*

9 (5) *Since the most recent disaster where eighteen*
10 *Americans lost their lives, seventy-six were wounded*
11 *and one was captured, the President has announced*
12 *his intention to commit several thousand additional*
13 *United States troops;*

14 (6) *Six American warships sit off the coast of*
15 *Haiti and six hundred Americans wait to be deployed*
16 *as part of a United Nations peacekeeping force.*

17 (b) *SENSE OF SENATE.—It is the sense of the Senate*
18 *that—*

19 (1) *the appropriate committees of the Senate*
20 *should hold public hearings at the earliest practicable*
21 *date with the Secretaries of State and Defense as wit-*
22 *nesses on the commitment of United States troops in*
23 *Somalia and Haiti as members of the United Nations*
24 *peacekeeping force; and*

1 (2) the appropriate committees should promptly
2 hold investigative, public hearings on the October 3,
3 1993 incident in Mogadishu, Somalia in which seven-
4 teen American soldiers were killed and at least sev-
5 enty-six were wounded as part of the United Nations
6 peacekeeping operation.

7 **(216)**SEC. 8154. Notwithstanding any other provi-
8 sion of law, the Secretary of the Navy shall obligate the
9 funds appropriated for fiscal years 1992 and 1993 for the
10 USH-42 Mission Recorder program within the A-6 air-
11 craft program: Provided, That the Secretary of the Navy
12 verifies that a mission recorder is required in the future
13 for Navy attack aircraft for peacetime training and bomb
14 damage assessment in combat: Provided further, That the
15 Secretary shall make this verification within sixty days of
16 this Act becoming law: Provided further, That the Secretary
17 shall obligate such funds within sixty days of this verifica-
18 tion that a mission recorder is required in Navy attack air-
19 craft for peacetime training and bomb damage assessment
20 in combat.

21 **(217)**SEC. 8155. The Secretary of Defense shall sub-
22 mit to Congress an annual report containing information
23 on the cost to the United States of transporting supplies
24 for the Army, Navy, Air Force, or Marine Corps by sea
25 on United States-flag commercial vessels pursuant to the

1 *cargo preference laws of the United States, including the*
2 *amount of the cost savings that could have been realized*
3 *if such supplies had been transported at competitive inter-*
4 *national shipping rates available from non-cargo preference*
5 *vessels, the subsidization of foreign-flag vessels, and the im-*
6 *pact on the viability of the United States merchant marine*
7 *if the cargo preference requirements were ended. The annual*
8 *report shall cover a cargo preference year which shall be*
9 *a 12-month period defined by the Secretary.*

10 **(218)***SEC. 8156. None of the funds appropriated for*
11 *the Department of Defense for fiscal year 1994 by this Act*
12 *may be used for making any progress payment under the*
13 *C-17 aircraft program that is not consistent with the re-*
14 *quirements of section 2307(d)(1) of title 10, United States*
15 *Code.*

16 **(219)***SEC. 8157. No provision of this Act or any other*
17 *Act concerning Department of Defense programs, projects,*
18 *or activities involving community adjustment assistance,*
19 *research or development at colleges or universities, strategic*
20 *environmental research, or environmental restoration may*
21 *be construed as requiring a contract to be awarded, or as*
22 *requiring a grant to be made, to a specific non-Federal Gov-*
23 *ernment entity for a new program, project, or activity.*

24 **(220)***SEC. 8158. (a) Is is the sense of Congress that*
25 *none of the funds appropriated or otherwise made available*

1 *by this Act should be available for the purposes of deploying*
 2 *United States Armed Forces to participate in the imple-*
 3 *mentation of a peace settlement in Bosnia-Herzegovina, un-*
 4 *less previously authorized by the Congress.*

5 *(b) It is the sense of Congress that the limitation set*
 6 *forth in subsection (a) should not preclude missions and*
 7 *operations initiated on or before October 20, 1993, includ-*
 8 *ing the provision of any humanitarian assistance by the*
 9 *Department of Defense.*

10 **(221)** *SEC. 8159. SENSE OF CONGRESS ON THE USE*
 11 *OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN*
 12 *HAITI.—(a) STATEMENT OF POLICY.—It is the sense of the*
 13 *Congress that—*

14 *(1) all parties should honor their obligations*
 15 *under the Governors Island Accord of July 3, 1993*
 16 *and the New York Pact of July 16, 1993;*

17 *(2) the United States has a national interest in*
 18 *preventing uncontrolled emigration from Haiti; and*

19 *(3) the United States should remain engaged in*
 20 *Haiti to support national reconciliation and further*
 21 *its interest in preventing uncontrolled emigration.*

22 *(b) LIMITATION.—It is the sense of Congress that funds*
 23 *appropriated by this Act should not be obligated or ex-*
 24 *pended for United States military operations in Haiti un-*
 25 *less—*

1 (1) *authorized in advance by the Congress; or*

2 (2) *the temporary deployment of United States*
3 *Armed Forces into Haiti is necessary in order to pro-*
4 *tect or evacuate United States citizens from a situa-*
5 *tion of imminent danger and the President reports as*
6 *soon as practicable to Congress after the initiation of*
7 *the temporary deployment, but in no case later than*
8 *forty eight hours after the initiation of the temporary*
9 *deployment; or*

10 (3) *the deployment of United States Armed*
11 *Forces into Haiti is vital to the national security in-*
12 *terests of the United States, including but not limited*
13 *to the protection of American citizens in Haiti, there*
14 *is not sufficient time to seek and receive Congres-*
15 *sional authorization, and the President reports as*
16 *soon as practicable to Congress after the initiation of*
17 *the deployment, but in no case later than forty eight*
18 *hours after the initiation of the deployment; or*

19 (4) *the President transmits to the Congress a*
20 *written report pursuant to subsection (c).*

21 (c) *REPORT.—It is the sense of Congress that the limi-*
22 *tation in subsection (b) should not apply if the President*
23 *reports in advance to Congress that the intended deploy-*
24 *ment of United States Armed Forces into Haiti—*

1 (1) *is justified by United States national secu-*
2 *rity interests;*

3 (2) *will be undertaken only after necessary steps*
4 *have been taken to ensure the safety and security of*
5 *United States Armed Forces, including steps to ensure*
6 *that United States Armed Forces will not become tar-*
7 *gets due to the nature of their rules of engagement;*

8 (3) *will be undertaken only after an assessment*
9 *that—*

10 (A) *the proposed mission and objectives are*
11 *most appropriate for the United States Armed*
12 *Forces rather than civilian personnel or armed*
13 *forces from other nations, and*

14 (B) *that the United States Armed Forces*
15 *proposed for deployment are necessary and suffi-*
16 *cient to accomplish the objectives of the proposed*
17 *mission;*

18 (4) *will be undertaken only after clear objectives*
19 *for the deployment are established;*

20 (5) *will be undertaken only after an exit strategy*
21 *for ending the deployment has been identified; and*

22 (6) *will be undertaken only after the financial*
23 *costs of the deployment are estimated.*

24 (d) *DEFINITION.—As used in this section, the term*
25 *“United States military operations in Haiti” means the*

1 *continued deployment, introduction or reintroduction of*
2 *United States Armed Forces into the land territory of*
3 *Haiti, irrespective of whether those Armed Forces are under*
4 *United States or United Nations command, but does not*
5 *include activities for the collection of foreign intelligence,*
6 *activities directly related to the operations of United States*
7 *diplomatic or other United States Government facilities, or*
8 *operations to counter emigration from Haiti.*

9 **(222)***SEC. 8160. Of the funds appropriated for title*
10 *III of this Act, \$50,000,000 shall be made available for obli-*
11 *gation until September 30, 1996 for the Department of De-*
12 *fense Pilot Mentor-Protege Program, pursuant to section*
13 *831 of the National Defense Authorization Act for fiscal*
14 *year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as*
15 *amended: Provided, That funds made available may be used*
16 *by a military service or a Defense agency to reimburse costs*
17 *incurred by a contractor (or subcontractor) under an ap-*
18 *proved contract line item for the provision of mentoring as-*
19 *sistance pursuant to an approved Mentor-Protege Program*
20 *developmental assistance agreement.*

21 **(223)***SEC. 8161. It is the sense of the Congress that*
22 *the United States Department of Justice should investigate*
23 *whether any Federal criminal civil rights laws were vio-*
24 *lated as a result of (1) the murder of Yankel Rosenbaum*

1 *on August 19, 1991, and (2) the circumstances surrounding*
2 *the murder and accompanying riots in Crown Heights.*

3 **(224)** TITLE IX

4 *SEC. 9001. Congress makes the following findings:*

5 *(1) The Armed Forces of the United States have*
6 *conducted combat operations under the operational*
7 *control of foreign commanders on numerous occasions,*
8 *including during two World Wars.*

9 *(2) Regional security organizations, such as the*
10 *North Atlantic Treaty Organization, are premised on*
11 *military operations by the forces of a number of na-*
12 *tions under an integrated chain of command consist-*
13 *ing of officers from member nations.*

14 *(3) The end of the Cold War has seen a substan-*
15 *tial increase in the conduct of international “peace-*
16 *keeping” and “peace enforcement” operations pursu-*
17 *ant to decisions of the United Nations Security Coun-*
18 *cil under Chapters VI and VII of the United Nations*
19 *Charter.*

20 *(4) The United Nations has conducted tradi-*
21 *tional “peacekeeping” operations successfully over the*
22 *years, but the number and size of such operations has*
23 *stretched the Organization’s management and over-*
24 *sight capabilities thin.*

1 (5) *The United Nations has not yet acquired the*
2 *expertise or infrastructure to enable it to effectively*
3 *manage “peace enforcement” operations.*

4 (6) *Any special agreement negotiated by the*
5 *President with the United Nations Security Council*
6 *to make units of the United States Armed Forces*
7 *available on call to the United Nations must be ap-*
8 *proved by the Congress pursuant to the United Na-*
9 *tions Participation Act, enacted into law in 1945.*

10 (7) *Any decision by the President to place com-*
11 *bat forces of the Armed Forces of the United States*
12 *under the operational control of foreign commanders,*
13 *other than pursuant to the North Atlantic Treaty and*
14 *other arrangements in effect at the time of the enact-*
15 *ment of this Act, has significant consequences for such*
16 *forces, the Congress, and the American people.*

17 *SEC. 9002. It is the sense of the Congress that—*

18 (1) *the Armed Forces of the United States must*
19 *be under the operational control of qualified com-*
20 *manders; and must have clear and effective command*
21 *and control arrangements; appropriate rules of en-*
22 *gagement; and clear and unambiguous mission state-*
23 *ments;*

24 (2) *the President should consult with Congress*
25 *before placing combat forces of the Armed Forces of*

1 *the United States under the operational control of for-*
2 *foreign commanders, other than pursuant to the North*
3 *Atlantic Treaty and other arrangements in effect at*
4 *the time of the enactment of this Act; and*

5 *(3) the President should submit a report to Con-*
6 *gress within 48 hours after placing combat forces of*
7 *the Armed Forces of the United States under the oper-*
8 *ational control of foreign commanders, other than*
9 *pursuant to the North Atlantic Treaty and other ar-*
10 *rangements in effect at the time of the enactment of*
11 *this Act, setting forth—*

12 *(A) the mission of such forces and a clear*
13 *explanation of the difference, if any, between the*
14 *mission of such forces and the mission of the*
15 *forces of other nations participating in the same*
16 *military operations;*

17 *(B) in a case in which the operation is con-*
18 *ducted under the auspices of the United Nations,*
19 *an assessment of the United Nations capability*
20 *to effectively manage the operation;*

21 *(C) an explanation of the United States in-*
22 *terest that would be served by and the justifica-*
23 *tion for placing such forces under the operational*
24 *control of a foreign commander in this instance;*

15 ***SEC. 10001. CONVEYANCE OF KAHO'OLAW ISLAND, HAWAII,***
16 ***TO THE STATE OF HAWAII.***

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1 *turn of the Island to State sovereignty, public access and*
2 *use. Congress finds that control, disposition, use and man-*
3 *agement of Kaho'olawe is affected with a Federal interest.*
4 *It also is in the national interest and an obligation under-*
5 *taken by Congress and the United States under this and*
6 *other Acts, and in furtherance of the purposes of Executive*
7 *Order 10436 (1953), to recognize the cultural and humani-*
8 *tarian value of assuring meaningful, safe use of the Island*
9 *for appropriate cultural, historical, archaeological and edu-*
10 *cational purposes as determined by the State of Hawaii and*
11 *to provide for the clearance or removal of unexploded ord-*
12 *nance and for the environmental restoration of the Island*
13 *for such purposes. Congress also finds it is in the national*
14 *interest and an essential element in the Federal Govern-*
15 *ment's relationship with the State of Hawaii to ensure that*
16 *the conveyance, clearance or removal of unexploded ord-*
17 *nance, environmental restoration, control of access to the*
18 *Island and future use of the Island be undertaken in a man-*
19 *ner consistent with the enhancement of that relationship,*
20 *the Department of Defense's military mission and the Fed-*
21 *eral interest.*

22 *(b) MODEL DEMONSTRATION PROJECT.—It is in the*
23 *national interest that the clearance or removal of*
24 *unexploded ordnance and the environmental restoration of*
25 *Kaho'olawe serve as a model demonstration project that in-*

1 *corporates the use of innovative technologies and a remedy*
2 *selection process that will expedite and economize such*
3 *clearance or removal and environmental restoration while*
4 *maintaining meaningful participation by affected parties*
5 *and assuring the protection of human health and the envi-*
6 *ronment.*

7 (c) *CONVEYANCE.*—*Subject to section 10001(d) and*
8 *section 10008(b) of this Act, the United States, through the*
9 *Secretary of the Navy (also, hereinafter, “the Secretary”),*
10 *shall convey and return, without consideration and without*
11 *conditions other than those set forth in this title, to the State*
12 *of Hawaii all right, title and interest of the United States,*
13 *except that interest set forth in section 10002(a)(4) and sec-*
14 *tion 10004 of this Act, in and to that parcel of property*
15 *consisting of approximately 28,776 acres of land known as*
16 *Kaho’olawe Island, Hawaii and its surrounding waters.*
17 *Such conveyance of title shall occur no later than 180 days*
18 *from the date of enactment of this Act and the appropria-*
19 *tion of funds for such purposes described in this title.*

20 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
21 *and legal description of the parcel of property to be con-*
22 *veyed under section 10001(c) shall be determined by a sur-*
23 *vey that is deemed satisfactory by the State of Hawaii in*
24 *consultation with the Secretary. The cost of the survey shall*

1 *be borne by the Secretary, making use of funds provided*
2 *pursuant to this title.*

3 **SEC. 10002. ORDNANCE CLEARANCE OR REMOVAL ON**
4 **KAHO'OLAWA ISLAND, HAWAII.**

5 *(a) ORDNANCE CLEARANCE OR REMOVAL.—(1) Subject*
6 *to section 10008(b) of this Act, the Secretary of the Navy*
7 *shall, in compliance with the two-tiered standard of ord-*
8 *nance clearance, removal, restoration and safety contained*
9 *in subsection (a)(2) of this section—*

10 *(A) detect and clear or remove from Kaho'olawe*
11 *Island and its adjacent waters, all unexploded ord-*
12 *nance, the remains of exploded ordnance, and solid*
13 *waste associated with such ordnance or with the use*
14 *of Kaho'olawe Island by the United States for bomb-*
15 *ing training, gunnery training, or other munitions*
16 *training.*

17 *(2) Kaho'olawe Island shall be restored for use in ac-*
18 *cordance with the following requirements:*

19 *(A) TIER ONE RESTORATION AREA.—The entire*
20 *Island shall, in a manner consistent with the pur-*
21 *poses of this title and with the protection of surface*
22 *and below surface historical and cultural sites and*
23 *artifacts, be restored to a condition that is reasonably*
24 *safe for human access and visitation and in accord-*
25 *ance with standard methodologies for such restoration*

1 *as determined by the Secretary in accordance with*
2 *the purposes of this title. Subsequent to the transfer*
3 *to the State of Hawaii of responsibility for the control*
4 *of access, as provided in section 10006 of this Act, the*
5 *Navy shall continue to undertake, upon the reasonable*
6 *request of the State, and at regular intervals, reason-*
7 *able and prudent clean-up measures using standard*
8 *methodologies. Within such Tier One Restoration*
9 *Area, and in accordance with sections 10005 and*
10 *10006 of this Act, approximately 22,600 acres of the*
11 *approximately 28,776 acres on the Island and sub-*
12 *merged land in the surrounding waters to a depth of*
13 *120 feet shall be subjected to surface clearance only.*

14 (B) *TIER TWO RESTORATION ENCLAVES.—En-*
15 *claves within the Island, as identified in clauses (i),*
16 *(ii), (iii) and (iv) below and not exceeding approxi-*
17 *mately 6,200 acres, shall be restored to a condition*
18 *that is reasonably safe for the human habitation nec-*
19 *essary to accomplish the cultural, historical, archae-*
20 *ological and educational purposes of this title, to as-*
21 *sure the uses set forth in clauses (i), (ii), (iii) and*
22 *(iv) below and in accordance with the best available*
23 *technology and methodology for such restoration:*

24 (i)(a) *not more than approximately 4,700*
25 *acres for the purpose of grasslands and related*

1 *uses; and (b) those locations, including trails,*
2 *roads and historical, cultural and archaeological*
3 *enclaves identified by the State under section*
4 *10002(C), that shall not exceed an additional*
5 *1,400 acres;*

6 *(ii) no more than three specially designated*
7 *navigational channels to the Island suitable for*
8 *visitation, including the adjacent shoreline area;*

9 *(iii)(a) not more than approximately 10*
10 *acres for reasonably safe, human habitation sites,*
11 *as defined in subparagraph (B) of this section,*
12 *that shall include but not be limited to the sites*
13 *designated as Hanakanaia to Lae Paki, Kuheia/*
14 *Kaulana, Ahupu, Hakioawa, Pu'u Moaulanui,*
15 *Seagull Station, Kamohio Station, Halona Sta-*
16 *tion, Honokoa, and Kanapou; and (b) approxi-*
17 *mately 47 acres of reservoirs designated as Lua*
18 *Kealialalo, Lua Kealialuna and Lua Makika;*
19 *and*

20 *(iv) approximately 5 acres on not more*
21 *than three locations to be used as heliports.*

22 *(C) DESCRIPTION OF TIER TWO RESTORATION*
23 *ENCLAVES.—The precise description for the Tier Two*
24 *Restoration Enclaves, prepared through standard*
25 *methodologies, shall be submitted to the Navy by the*

1 *State of Hawaii within 180 days of the enactment of*
2 *this Act. Any reasonable enlargement to the size or*
3 *modification to the location of the Tier Two Restora-*
4 *tion Enclaves shall be agreed to by the Secretary of*
5 *the Navy. Such reasonable enlargement or modifica-*
6 *tion shall be determined and undertaken within the*
7 *time period identified in section 10002(a)(3). The cost*
8 *of such enlargement or modification shall be borne by*
9 *the Secretary, making use only of funds provided pur-*
10 *suant to this title.*

11 (3) *The Secretary shall commence the activities de-*
12 *scribed in sections 10002(a) (1) and (2) as soon as possible*
13 *but not later than 180 days after the enactment of this Act*
14 *and continue such activities in accordance with reasonable*
15 *expedition until completed. Such activities required in sec-*
16 *tion 10002 shall be completed within 10 years of the enact-*
17 *ment of this Act and the appropriation of funds for such*
18 *activities.*

19 (4) *Notwithstanding any other provision of section*
20 *10002, the Secretary shall retain the control of access to*
21 *the Island, in consultation with the State of Hawaii and*
22 *prior to and following the entering into force of the Memo-*
23 *randum of Understanding contained in section 10006 of*
24 *this Act, until clearance and restoration is completed and*
25 *control of access is transferred to the State of Hawaii.*

1 (5) *The Secretary shall carry out the requirements of*
 2 *section 10002 following consultation with the State of Ha-*
 3 *waii as required by section 10006 of this Act and with the*
 4 *technical and logistical support, as needed, of the United*
 5 *States Army Corps of Engineers and other Federal agencies.*

6 (6) *No Federal permit shall be required by the United*
 7 *States, its departments, agencies or instrumentalities for*
 8 *any portion of the removal, restoration and clean-up work*
 9 *pursuant to the Act and conducted entirely on Kaho'olawe*
 10 *Island or in its adjacent waters.*

11 (7) *Except as provided in section 10004 regarding li-*
 12 *ability and in section 10003 regarding the completion of*
 13 *activities and in section 10002(a)(2)(A) regarding regular*
 14 *interval clean-ups and new discoveries of previously unde-*
 15 *tected ordnance, the Secretary's obligations and responsibil-*
 16 *ities under this title shall terminate 10 years after the en-*
 17 *actment of this Act.*

18 **SEC. 10003. ENVIRONMENTAL REMEDIATION OF**
 19 **KAHO'OLawe ISLAND, HAWAII AND ADJACENT**
 20 **WATERS.**

21 (a) *ASSESSMENT OF ADDITIONAL ENVIRONMENTAL*
 22 *CLEAN-UP FOR HAZARDOUS AND OTHER SUBSTANCES.—*
 23 *(1)(A) Not later than 365 days after the date of the enact-*
 24 *ment of this Act, the Secretary of the Navy shall complete,*
 25 *in cooperation with the State of Hawaii, such studies and*

1 appraisals as are necessary to identify the type, quantity,
2 and estimated costs of response, remediation and removal
3 of the hazardous substances other than exploded and
4 unexploded ordnance and other substances, refuse and
5 waste, if any, that are located—

6 (i) on Kaho'olawe Island; and

7 (ii) in the waters adjacent to Kaho'olawe Island.

8 (B) The cost of the studies and appraisals referred to
9 in section 10003(a)(1)(A) shall be borne by the Secretary,
10 making use of funds provided pursuant to this title.

11 (b) REMEDIATION OF HAZARDOUS AND ENVIRON-
12 MENTAL SUBSTANCES.—(1)(A) In furtherance of the pur-
13 poses of this title and in recognition of the clearance, re-
14 moval and environmental remediation obligations imposed
15 by this title, and that the aforementioned activities are con-
16 sidered a model demonstration project, Kaho'olawe Island
17 is exempt from placement on the National Priorities List.
18 Notwithstanding that conveyance of title to Kaho'olawe Is-
19 land to the State of Hawaii shall precede clearance or re-
20 moval and environmental remediation, upon the completion
21 of the studies and appraisals referred to in section
22 10003(a)(1)(A), the Navy shall carry out remediation,
23 clean-up and responses to the hazardous substances and
24 other substances, refuse and waste located on Kaho'olawe
25 Island and in the waters adjacent to Kaho'olawe Island (as

1 *identified in such studies and appraisals) that are nec-*
2 *essary to protect human health and the environment. The*
3 *remedies for such clean-up, remediation and responses shall*
4 *be selected by the Secretary in consultation with the State*
5 *and in accordance with the purposes of this title and shall*
6 *be commenced and completed within the time period identi-*
7 *fied in section 10002(a)(3) of this Act for the removal of*
8 *ordnance. The cost of such clean-up, remediation and re-*
9 *sponses shall be borne by the Secretary, making use of funds*
10 *provided pursuant to this title.*

11 (2) *In this title, the terms “response”, “removal”, “re-*
12 *mediation” and “hazardous substance” have the meanings*
13 *given such terms in 42 U.S.C. 9601 (14), (23), (24) and*
14 *(25).*

15 (c) *RESPONSIBILITY AND LIABILITY TO CONDUCT RE-*
16 *SPONSE, CLEAN-UP AND REMEDIATION ACTIVITIES.—(1)*
17 *Notwithstanding the duties and obligations set forth in this*
18 *title and notwithstanding the conveyance required under*
19 *section 10001, the State of Hawaii shall not be liable and*
20 *responsible for the conduct of any clean-up and response*
21 *actions arising from and relating to the use and environ-*
22 *mental remediation of Kaho’olawe Island and its adjacent*
23 *waters by the United States that, through Federal court*
24 *order, may be held applicable to Kaho’olawe Island.*

1 **SEC. 10004. INDEMNIFICATION AND THE CONTROL OF AC-**
2 **CESS.**

3 (a) *The Navy shall retain control of the access to the*
4 *Island during the time period set forth in section*
5 *10002(a)(3) that it is undertaking unexploded ordnance re-*
6 *moval and hazardous materials removal activities required*
7 *in section 10002 of this Act.*

8 (b) *During the time period the United States retains*
9 *control of access to the Island, the United States shall hold*
10 *harmless, defend and indemnify the State of Hawaii or its*
11 *political subdivisions from and against all claims, de-*
12 *mands, losses, damages, liens, liabilities, injuries, deaths,*
13 *penalties, fines, lawsuits and other proceedings, judgments,*
14 *awards and reasonable costs and expenses arising out of,*
15 *or in any manner predicated upon, the presence, release*
16 *or threatened release of any munitions, exploded or*
17 *unexploded ordnance, solid waste associated with such ord-*
18 *nance or hazardous substance, pollutant or contaminant re-*
19 *sulting from the activities of the Department of Defense, in-*
20 *cluding the activities of the Department of the Navy and*
21 *the Department of the Army and any agent, employee, les-*
22 *see, licensee, independent contractor or other person on the*
23 *property during such time that the property was and re-*
24 *mains under the control of the Department of Defense,*
25 *Navy, Army or other agencies of the United States Govern-*
26 *ment.*

1 (c) *Nothing in this title is intended to alter or affect*
2 *the Federal or State requirements of law governing liability*
3 *following the transfer of control of access to the State of*
4 *Hawaii, except that the United States shall remain liable*
5 *for the acts or omissions of its contractors in carrying out*
6 *the activities required under this title in the same manner*
7 *as if the United States engaged in the performance of the*
8 *tasks delegated to its contractors.*

9 **SEC. 10005. LONG TERM PLANNING AND ENVIRONMENTAL**
10 **RESTORATION ACTIVITIES OF THE STATE OF**
11 **HAWAII.**

12 (a)(1) *Subject to section 10008(b) of this Act, the Sec-*
13 *retary is authorized to provide \$45,000,000 to the State of*
14 *Hawaii for the purpose of implementation by the State of*
15 *(i) long term planning (ii) environmental restoration ac-*
16 *tivities and (iii) the terms and conditions set forth in the*
17 *Memorandum of Understanding required by section 10006*
18 *of this Act, concerning Kaho'olawe Island and its adjacent*
19 *waters. Such funds as are provided by the Secretary for*
20 *the purpose of carrying out this section shall be made avail-*
21 *able to the State by the Secretary from funds made avail-*
22 *able pursuant to this title and shall be provided to the State*
23 *of Hawaii following the submission of a plan containing*
24 *the elements identified in subsection (a)(2) of this section.*

1 (2) *The State of Hawaii shall use the funds made*
2 *available pursuant to this section for the purposes of carry-*
3 *ing out long term planning and environmental restoration*
4 *activities, consistent with the purposes of this title, on*
5 *Kaho'olawe Island, including—*

6 (A) *soil conservation and water resource develop-*
7 *ment;*

8 (B) *erosion abatement (including reforestation*
9 *and revegetation);*

10 (C) *stabilization, restoration and securing sites*
11 *of archaeological or historical significance;*

12 (D) *removal or destruction of non-native plants*
13 *and animals; and*

14 (E) *precise identification of those areas subject to*
15 *clean-up and removal of ordnance described in section*
16 *10002 of this Act.*

17 (3) *Funds in addition to those provided pursuant to*
18 *subsection (a)(1) of this section may be provided to the*
19 *State of Hawaii upon the submission of an acceptable plan*
20 *containing the elements identified in subsection (a)(2) of*
21 *this section and demonstrating, to the satisfaction of the*
22 *Secretary, that such funds are necessary to the proper ful-*
23 *fillment of such elements and the purposes of this title. The*
24 *Secretary shall have sole discretion to award such addi-*

1 *tional funds, however, the award of such funds shall not*
2 *be unreasonably withheld.*

3 **SEC. 10006. COOPERATION OF FEDERAL DEPARTMENTS**
4 **AND THE STATE OF HAWAII AND TRANSFER**
5 **OF CONTROL OF ACCESS.**

6 *(a)(1) Upon the request of the Secretary or the State*
7 *of Hawaii, and in accordance with existing laws and re-*
8 *quirements, any department or agency of the Federal Gov-*
9 *ernment may provide assistance to the Secretary or the*
10 *State of Hawaii, as the case may be, in carrying out their*
11 *respective duties under this title.*

12 *(2) Within 180 days following passage of this Act the*
13 *Secretary shall consult with and enter into a Memorandum*
14 *of Understanding with the State of Hawaii governing the*
15 *terms and conditions of (i) access to the Island for those*
16 *purposes set forth in section 10005 of this Act and any other*
17 *cultural, archeological, educational and planning purposes*
18 *provided for in this title, giving due regard to the risk of*
19 *harm to health and safety involved in providing such access*
20 *and the need to avoid interference with or disruption of*
21 *the Navy's clearance, removal and remediation activities;*
22 *(ii) the timing, planning and methodology of ordnance*
23 *clearance or removal and hazardous substance clearance*
24 *and other waste removal and the protection of historical,*
25 *cultural and religious sites and artifacts: Provided, That*

1 *all reasonable effort should be made to avoid harm to such*
2 *sites and artifacts from the detonation of unexploded ord-*
3 *nance, clearance or removal and hazardous substance clear-*
4 *ance; (iii) a model clean-up program emphasizing the use*
5 *of innovative technology, integrative planning and expedi-*
6 *tious implementation of remediation; (iv) the means for*
7 *protecting historical, cultural and religious sites and arti-*
8 *facts from intentional destruction, harm and vandalism;*
9 *and (v) public participation, as appropriate, including the*
10 *opportunity for public comment and hearing. Under any*
11 *such terms and conditions, the Secretary shall be assured*
12 *full and necessary access to carry out the obligations of the*
13 *Secretary arising out of the responsibilities and liabilities*
14 *of this title. Such terms and conditions shall remain in ex-*
15 *istence until the completion of the restoration and remedi-*
16 *ation activities required by section 10002 of this Act and*
17 *be revised periodically by mutual consent and giving due*
18 *regard to the importance of access to the Island as the level*
19 *of clean-up, restoration and remediation moves toward at-*
20 *tainment. Nothing in this title is intended to diminish or*
21 *alter the rights and responsibilities of the Navy to allow*
22 *access to the Island that existed prior to the enactment of*
23 *this Act.*

24 (3) *The United States, through the Secretary of the*
25 *Navy, shall transfer the control of access to the State of Ha-*

1 *waii within no more than 10 years from the date of enact-*
2 *ment of this Act or when the activities required by this title,*
3 *including ordnance clearance or removal activities in sec-*
4 *tion 10002 and the environmental remediation activities in*
5 *section 10003 are completed, whichever comes first.*

6 **SEC. 10007. KAHO'OLAWA ISLAND CONVEYANCE, REMEDI-**
7 **ATION, AND ENVIRONMENTAL RESTORATION**
8 **TRUST FUND.**

9 *(a) There is established on the books of the Treasury*
10 *of the United States a fund to be known as the "Kaho'olawe*
11 *Island Conveyance, Remediation, and Environmental Res-*
12 *toration Fund" (hereinafter in this subsection referred to*
13 *as the "Fund"). The Fund shall be administered by the Sec-*
14 *retary of the Treasury. The Fund shall be used for the accu-*
15 *mulation of funds in order to pay the obligations incurred*
16 *by the Secretary of the Navy or the Department of Defense*
17 *in carrying out the purposes of this title and for properly*
18 *allocable costs of the Federal Government in the administra-*
19 *tion of the Fund.*

20 *(b) There shall be deposited into the Fund the follow-*
21 *ing, which shall constitute the assets of the Fund:*

22 *(1) Amounts paid into the Fund from any*
23 *source.*

24 *(2) Any amount appropriated to the Fund.*

1 (3) Any return on investment of the assets of the
2 Fund.

3 (c) To the extent provided in appropriation Acts, the
4 assets of the Fund shall be available for obligation by the
5 Secretary of the Navy to carry out the purposes of this title.

6 (d) There is authorized to be appropriated into the
7 Fund \$400,000,000, which may be appropriated as a lump
8 sum or in annual increments. Of the amounts deposited
9 into the Fund, not less than eleven percent shall be made
10 available to the State of Hawaii to carry out the provisions
11 of section 10005(a)(1) of this Act.

12 (e) Amounts appropriated to the Fund shall remain
13 available until obligated or until the Fund is terminated.

14 (f) Upon payment of all incremental costs associated
15 with the purposes for which the Fund is established, the
16 Fund shall be terminated.

17 **SEC. 10008. APPLICABLE LAW AND JUDICIAL REVIEW.**

18 (a) Federal Courts shall have jurisdiction only to en-
19 force the terms, conditions and provisions of this title, re-
20 garding the activities, duties, and responsibilities in this
21 title occurring on the Island of Kaho'olawe and in its adja-
22 cent waters. Only such terms, conditions and provisions
23 shall govern judicial review of the conduct of the United
24 States, its departments, agencies and instrumentalities with
25 regard to any actions arising from or related to the convey-

1 *ance of Kaho'olawe Island to the State of Hawaii and the*
2 *clearance or removal and remediation of unexploded and*
3 *exploded ordnance and the remediation of hazardous sub-*
4 *stances and other wastes on the Island and its adjacent wa-*
5 *ters and for the other obligations, duties and purposes set*
6 *forth in this title.*

7 *(b) The provisions of this title shall be carried out not-*
8 *withstanding any other provision of law.*

9 *(c) Any person, as defined in 42 U.S.C. 9601(21), may*
10 *bring an action against the United States, its departments,*
11 *agencies and instrumentalities to require compliance with*
12 *the terms of this title and the obligations of the United*
13 *States, its departments, agencies and instrumentalities*
14 *under the Memorandum of Understanding required by sec-*
15 *tion 10006 of this Act. Such action shall be commenced no*
16 *earlier than the 60th day following the date on which the*
17 *plaintiff gives notice in writing to the Attorney General,*
18 *the Secretary and other department, agency or instrumen-*
19 *tality that the plaintiff will commence such action. Such*
20 *action shall be brought in the district court for the district*
21 *in which the alleged violation occurred. In any action under*
22 *this section, the United States or the State, or both, if not*
23 *a party may intervene as a matter of right. The United*
24 *States, its departments, agencies and instrumentalities*
25 *shall be subject to only such injunctive relief as may be im-*

1 *posed by the court to enforce compliance with the terms of*
 2 *this title and the Memorandum of Understanding. Such*
 3 *compliance shall be enforced giving due regard to the need*
 4 *for expeditious clean-up under the terms and conditions of*
 5 *this title.*

6 **SEC. 10009. ANNUAL REPORT TO CONGRESS.**

7 *The Secretary shall submit annually a report, in de-*
 8 *tail, describing compliance with the provisions of this title.*
 9 *Such report shall include the comments of the State of Ha-*
 10 *waii and be submitted to the Defense Committees of Con-*
 11 *gress.*

12 This Act may be cited as the “Department of Defense
 13 Appropriations Act, 1994”.

Passed the House of Representatives September 29,
 1993.

Attest: DONNALD K. ANDERSON,
Clerk.

Passed the Senate October 21 (legislative day, Octo-
 ber 13), 1993.

Attest: WALTER J. STEWART,
Secretary.

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